

## Chapter 1 - Eligibility, Certification and Coordination of Services

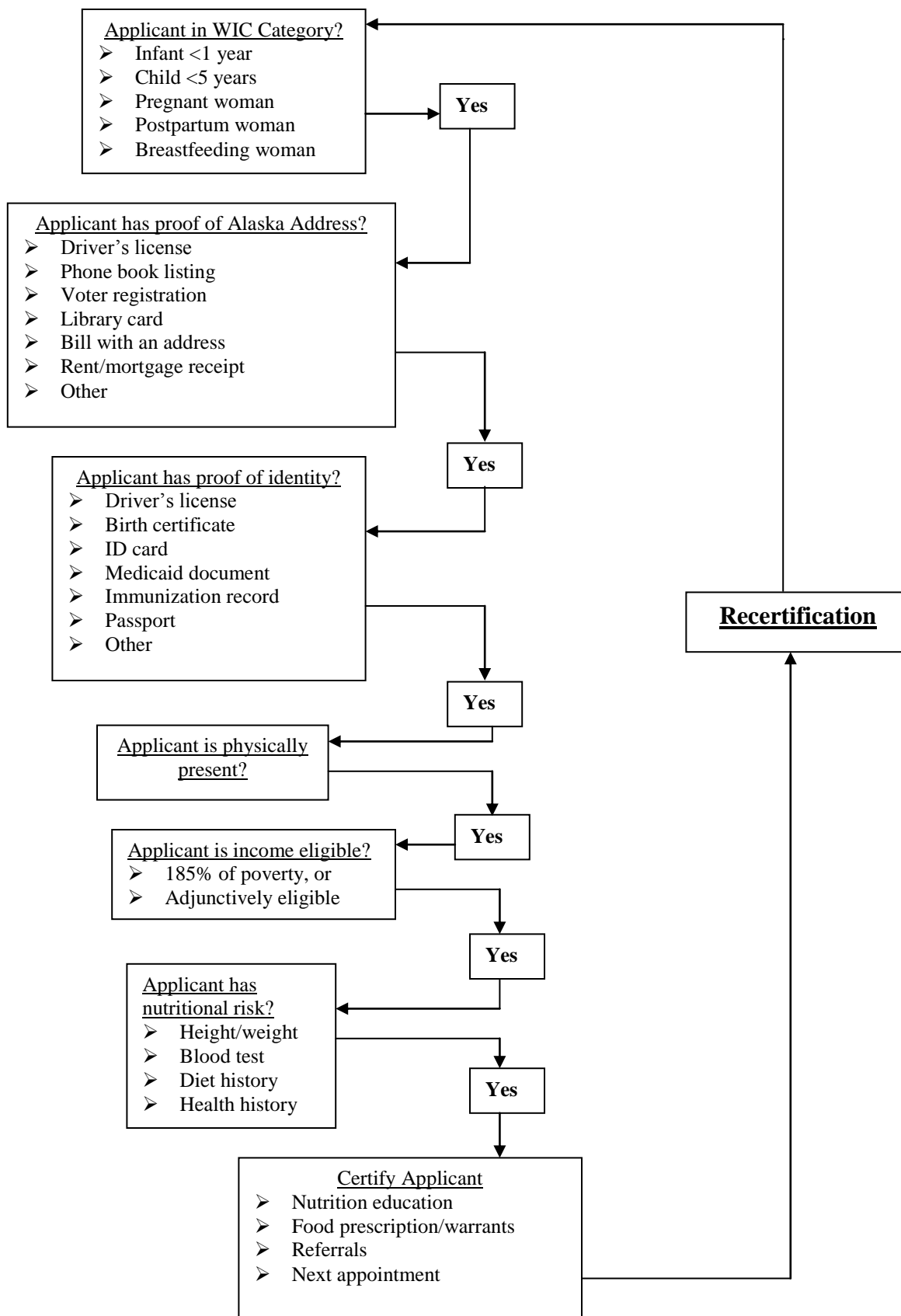
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## WIC CERTIFICATION AT A GLANCE



## **ELIGIBILITY DETERMINATION AND DOCUMENTATION**

An individual can be certified for WIC if he or she meets requirements in each of four areas; categorical eligibility, residency, income, and nutritional risk.

### **Categorical Eligibility**

#### **Categorical Eligibility Requirement**

The applicant must be in one of the following categories:

- Infant under one year of age
- Child up to his/her fifth birthday
- Pregnant woman, throughout pregnancy and up to six weeks postpartum
- Postpartum woman, up to six months postpartum
- Breastfeeding woman, up to one year postpartum (breastfed infant's first birthday)
- Breastfeeding woman who receives no supplemental foods or food instruments, but whose breastfed infant(s) receives supplemental food or food instruments.

Women whose pregnancies do not end in a live birth, due to miscarriage, stillbirth or abortion, are considered postpartum and are categorically eligible for all postpartum benefits. Regardless of the reason for the termination of pregnancy or when the termination of pregnancy occurs, a pregnant participant's certification continues for up to six weeks postpartum.

#### **Residency Requirement**

### **Residency Requirement**

Residency is defined as the location or address where an applicant routinely lives or spends the night. For military families, an APO address with a local military unit location is acceptable.

Applicants must be living in the State of Alaska to apply for WIC benefits in Alaska. There are no lengths of time or fixed residence or mailing address requirements. Applicants do not have to be a U.S. citizen. Children are considered residents of the state if their parent/caretaker is a resident. Persons are not required to live in a house or apartment. Living at a campsite or in a car satisfies the residency requirement. However, persons in Alaska solely for vacation are not considered residents. The WIC application contains spaces for both a physical residence address and a mailing address. Both should be recorded, if available.

#### **Documentation of Residency**

### **Documenting Residency**

All WIC applicants and new transfers must provide proof of residency. Acceptable documentation includes current driver's license, car

**Visual  
Personal  
Recognition**

registration, listing in the telephone book or city directory, voter registration, library card, any bill with an address on it, rent or mortgage receipts, any state, local or military document that can only be obtained through proof of current state or local residency, or other document that WIC staff consider adequate to establish residency. Visual personal recognition by WIC staff does not constitute proof of residency and thus is not acceptable. Further, requiring proof of residency from all applicants, regardless of personal acquaintance, is necessary to preclude the perception of a discriminatory practice. However, visual personal recognition by WIC staff at issuance of warrants or recertifications is allowed once initial proof of residency has been made.

**Documenting Residency in Remote Villages**

Individuals residing in a remote Indian or Native village may establish proof of residency by providing only a mailing address and name of the remote Indian or Native village. The documentation described above is not required. A “remote Indian or Native village” is a village located in a rural area, with a population of less than 5,000 inhabitants, and not accessible year-around by means of a public road.

The following is a listing of Alaskan villages, by local agency service area, which fit this definition.

**Alaska  
Family  
Services**

Alaska Family Services  
Skwentna

**Alaska  
Family  
Services**

Alaska Family Services

Halibut Cove  
Jakalof Bay  
Kachenak Selo  
Nanwalek  
Port Graham  
Seldovia  
Tyonek

**Aleutian  
Pribilof  
Islands  
Association**

Aleutian/Pribilof Islands Association

Adak  
Akutan  
Atka  
Attu  
Cold Bay  
Dutch Harbor

False Pass  
King Cove  
Nelson lagoon  
Nikolski  
Sand Point  
Shemya Station  
St. George  
St. Paul  
Unalaska

**Bristol Bay  
Area Health  
Corporation**

Bristol Bay Area Health Corporation

Aleknagik  
Chignik  
Chignik Lake  
Chignik Lagoon

Clark's Point  
Dillingham  
Egegik  
Ekwok  
Goodnews Bay  
Igiugig  
Iliamna  
Ivanoff Bay  
King Salmon  
Kokhanok  
Koliganek  
Levelok  
Manakotak  
Naknek  
Newhalen  
New Stuyahok  
Nondalton  
Pedro Bay  
Perryville  
Pilot Point  
Platinum  
Port Allsworth  
Port Heiden  
Portage Creek  
South Naknek  
Togiak  
Twin Hills  
Ugashak

**Native Village  
of Eyak**

Native Village of Eyak

Chugachmiut  
Chenega Bay  
Cordova  
Tatitlek

**Kodiak Area  
Native  
Association**

Kodiak Area Native Association:

Akhiok  
Karluk  
Larsen Bay  
Old Harbor  
Ouzinkie  
Port Lions

**Maniilaq  
Association**

Maniilaq Association:

Ambler  
Buckland  
Deering  
Kiana  
Kivalnia  
Kobuk  
Kotzebue  
Noatak  
Noorvik  
Point Hope  
Selawik  
Shungnak

**Metlakatla**

Metlakatla Indian Community

Metlakatla

**North  
Slope  
Borough**

North Slope Borough:

Anaktuvuk Pass  
Atkasuk  
Barrow  
Kaktovik  
Nuiqsut  
Point Lay  
Point Hope  
Wainwright



**Norton  
Sound  
Health  
Corporation**

Norton Sound Health Corporation:

Brevig Mission  
Diomedes  
Elim  
Gambell  
Golovin  
Koyuk  
Nome  
St. Michael  
Savoonga  
Shaktoolik  
Stebbins  
Shishmaref  
Teller  
Unalakleet  
White Mountain  
Wales

**Southeast  
Alaska  
Regional  
Health  
Corporation**

Southeast Alaska Regional Health Corporation:

Angeon  
Coffman Cove  
Covenant Life  
Craig  
Cube Cove  
Edna Bay  
Elfin Cove  
Game Creek  
Gustavus  
Haines  
Hobart bay  
Hollis  
Hoonah  
Hydaburg  
Hyder  
Kake  
Kasaan  
Klawock  
Klukwan  
Kupreanof  
Lutak  
Myers Chuck  
Mosquito Lake  
Naukati Bay

Pellican  
Petersberg  
Point Baker  
Polk Inlet  
Port Alexander  
Saxman  
Skagway  
Tenakee Springs  
Thorne Bay  
Whale Pass  
White Stone Logging Camp  
Wrangell  
Yakutat

Tanana Chiefs Conference:

<p><b>Tanana Chiefs Conference</b></p>
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Alatna  
Allakaket  
Artic Village  
Beaver  
Birch Creek  
Canyon Village  
Chalkyitsik  
Eagle  
Evansville  
Fort Yukon  
Galena  
Healy Lake  
Hughes  
Huslia  
Kaltag  
Koyukuk  
Lake Minchumina  
McGrath  
Medfra  
Nikolai  
Northway  
Nulato  
Rampart  
Ruby  
Stevens Village  
Takotna  
Telida  
Tetlin  
Venetie  
Wiseman

**Yukon  
Kuskokwim  
Health  
Corporation**

Yukon/Kuskokwim Health Corporation:

Akiachak  
Akiak  
Alakanuk  
Aniak  
Anvil  
Atmauthlauk  
Chefornak  
Chevak  
Chuathbaluk  
Crooked Creek  
Eek  
Emmonak  
Grayling  
Holy Cross  
Hooper Bay  
Kasigluk  
Kipnuk  
Kongiganak  
Kotlik  
Kwethluk  
Kwigillingok  
Lime Village  
Lower Kalsag  
Marshall  
Mekoryuk  
Mountain Village  
Napakiak  
Napaskiak  
Newtok  
Nightmute  
Nunapitchuk  
Oscarville  
Pilot Station  
Pitka's Point  
Quinhagak  
Red Devil  
Russian Mission  
St. Marys  
Scammon Bay  
Shageluk  
Nunam Iqua (Sheldon's Point)  
Sleetmute

Stony River  
Toksook Bay  
Tutuksak  
Tununak  
Upper Kalskag

#### Adjunctive Documentation of Residency

Local agencies may accept adjunctive documentation of residency for any applicant who documents that he/she is:

#### **Adjunctively Documenting Residency**

- Certified as fully eligible to receive Food Stamps in Alaska
- Certified as fully eligible, or presumptively eligible pending completion of the eligibility determination process, to receive assistance from the Alaska Temporary Assistance Program (ATAP - formerly known as AFDC)
- Certified as fully eligible, or presumptively eligible pending completion of the eligibility determination process, to receive assistance under Medicaid, including Denali KidCare

In these situations, a separate residency determination does not need to be made by WIC staff to determine WIC residency eligibility, because these programs all require documentation of residency. Individuals are required to document that they, or a family member, are certified as eligible for one or more of these programs by providing the following documentation:

- Food Stamps - Food Stamp envelope with name, address and date, or a current dated notice from the Division of Public Assistance indicating they are currently receiving Food Stamp benefits, or direct contact by calling the Division of Public Assistance
- ATAP - letter of verification and printout of benefits, with name and date
- Medicaid - Medicaid “sticker” coupon with name and month of participation

#### Applicants Without Housing

Homeless applicants physically residing in Alaska meet the residency requirement. A homeless applicant is defined as a person who lacks a fixed and regular nighttime residence, or whose primary nighttime residence is:

- A supervised publicly or privately operated shelter (including welfare hotel, congregate shelter, or shelter for victims of domestic violence).
- An institution that provides a temporary residence for individuals.
- A temporary accommodation in the residence of another individual.
- A public or private place not designed for, or ordinarily used as a regular accommodation for human beings.
- A tent or other camp.

#### **Homeless Applicants**

The local agency should evaluate the individual circumstances of applicants who are without housing to insure appropriate prescription of food items, e.g., availability of adequate storage, cooking facilities. Special food packages for the homeless may be prescribed.

### **Homeless Facilities**

#### **Applicants in a Facility for the Homeless**

Homeless applicants who reside in a homeless facility or shelter that does not serve congregate meals are eligible for certification if they meet other certification requirements. If a facility does have a meal service, persons meeting WIC certification criteria, can receive WIC if the homeless facility meets the following conditions with respect to resident WIC participants:

- WIC supplemental foods are to be consumed only by the WIC participant(s).
- The homeless facility does not accrue financial or in-kind benefit from a person's participation in the Program.
- The facility places no constraints on the ability of the participant to partake of the supplemental foods and nutrition education available under the Program.

Local agencies should provide information on program availability and eligibility requirements to institutions and shelters for the homeless. Local agencies are encouraged to establish a Memorandum of Understanding between the homeless facility and the local WIC office to comply with these federal regulations. A sample Memorandum of Understanding (MOU) is supplied at the end of Chapter One.

### **Migrant Farmworkers**

#### **Migrant Farmworkers**

A migrant farmworker is an individual whose principal employment is in agriculture on a seasonal basis, who has been so employed within the last 24 months, and who establishes, for the purposes of such employment, a temporary residence. Loggers are considered migrant farmworkers if they meet these criteria.

### **Incarcerated Women**

#### **Incarcerated Women**

Incarcerated pregnant or postpartum women are not eligible to enroll in WIC until they are released, because inmates are provided with institutional meals and would not routinely have individual kitchen privileges. Local agencies should provide incarcerated women with WIC outreach materials containing information on program benefits. The information should be given to each institution's nursing office for distribution to inmates. Outreach materials should include WIC clinic addresses and telephone numbers to facilitate contact with release after women are released.

Their current guardian may enroll eligible infants and children of incarcerated women in WIC.

### **Identity**

#### **Proof of Identity**

Local agency staff must check the identity of each participant at certification and of each participant or alternate when issuing warrants.

### **Visual Personal Recognition**

Visual personal recognition of participants and alternates by WIC staff at issuance of warrants or recertifications is allowed once initial proof of identity has been made at the first certification.

### **Acceptable Proof of Identity**

#### **What Constitutes Reasonable Proof**

For an infant or child, an immunization record, birth certificate, or other record that WIC staff consider adequate to establish identity will be considered acceptable. For women, optimal forms of identity are photo identity such as a current driver's license, military ID or passport. Other acceptable forms include documentation of participation in Medicaid (including Denali KidCare), Food Stamps, ATAP, a work or school identity card, pay stubs, voter registration card, birth certificate, health or hospital records, or immunization records. A victim of theft, loss, or disaster who may have no proof of identity may sign a written statement attesting to their identity, using the No Proof Form at the end of this Chapter.

### **Documenting Identity and Residency**

#### **Documentation of Residency and Identity**

A photocopy of documents in participant files is ideal. For practical purposes, it may be more feasible to make a notation of the type of documents (e.g., current driver's license, pay stubs, etc.) that were viewed which validate residency and identity.

- Notation in the "Office Use Only" box on the Family Information Form or
- Notation in the text field of the (Family Comments) section in the computer.

Notation of the type of document viewed is required, along with the signature of the WIC staff.

An applicant with no proof of identity and/or residency must sign a statement attesting to his or her identity and residency, using the No Proof form at the end of this chapter. This must include a brief notation explaining why the applicant could not produce proof of identity or residency.

#### **Physical Presence Requirement**

WIC regulations require individuals who apply for participation in the WIC Program to be physically present at the initial WIC certification and subsequent recertifications, except in certain limited circumstances.

### **Physical Presence at Certification**

Exceptions to this requirement may be allowed for individuals whose disability/ies cause them to be unable to be physically present at the WIC clinic because of: (1) a medical condition that necessitates the use of medical equipment that is not easily transportable; (2) a medical condition that requires confinement to bed rest; or (3) a serious illness that may be exacerbated by coming in to the clinic.

Exceptions may also be allowed if physical presence would present an unreasonable barrier to participation for certain infants and children.

Physical presence is not required in the following situations:

An infant or child:

- Who was present at his/her initial WIC certification; and
- Has a documented ongoing health care from a provider including the local agency; or

An infant or child:

- Who was present at his/her initial WIC certification; and
- Was present at a WIC certification or recertification determination within the one year period on the date of the most recent certification or recertification determination; and
- Is under the care of one or more working parents or one or more primary caregivers whose working status presents a barrier to bringing the child to the WIC clinic; or
- For infants under 8 weeks of age who cannot be present at the time of certification (for a reason determined appropriate by the local agency), whose necessary certification information is provided.

For persons mailing applications to a WIC clinic from a rural “bush” community, the public health nurse or village health worker assisting with the WIC certification is to verify that the applicant has been seen in person.

If the certifier allows an exception for one of the reasons listed above, this will be noted by the certifier in the computer on the Family Comments section on the Demographics tab. This will be monitored in chart audits done as part of management evaluations.

### **Income Eligibility Requirement**

It must be documented that an applicant’s income is at or below 185% of the current federal poverty level, unless the applicant is already certified for Medicaid (including Denali KidCare), Food Stamps, Free or Reduced Price School Lunch, or the Alaska Temporary Assistance Program (ATAP- formerly known as AFDC).

The AKWIC computer system is programmed to calculate incomes for multiple payment intervals and includes an option for the Permanent Fund Dividend. The following income eligibility guidelines are in effect for the period of July 1, 2012 to June 30, 2013.

<p><b>Income Eligibility</b></p>
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<b>WIC Income Eligibility Guidelines</b> <b>(Effective from July 1, 2012 to June 30, 2013)</b>					
Household Size	Annually	Monthly	Twice-Monthly	Bi-Weekly	Weekly
ALASKA					
1	\$25,845	\$2,154	\$1,077	\$995	\$498
2	\$35,002	\$2,917	\$1,459	\$1,347	\$674
3	\$44,160	\$3,680	\$1,840	\$1,699	\$850
4	\$53,317	\$4,444	\$2,222	\$2,051	\$1,026
5	\$62,475	\$5,207	\$2,604	\$2,403	\$1,202
6	\$71,632	\$5,970	\$2,985	\$2,756	\$1,378
7	\$80,790	\$6,733	\$3,367	\$3,108	\$1,554
8	\$89,947	\$7,496	\$3,748	\$3,460	\$1,730



**WIC Income Eligibility Guidelines**  
**(Effective from July 1, 2012 to June 30, 2013)**

<b>Household Size</b>	<b>Annually</b>	<b>Monthly</b>	<b>Twice-Monthly</b>	<b>Bi-Weekly</b>	<b>Weekly</b>
<b>ALASKA</b>					
9	\$99,105	\$8,259	\$4,130	\$3,812	\$1,906
10	\$108,262	\$9,022	\$4,511	\$4,164	\$2,082
11	\$117,420	\$9,785	\$4,893	\$4,517	\$2,259
12	\$126,577	\$10,549	\$5,275	\$4,869	\$2,435
13	\$135,735	\$11,312	\$5,656	\$5,221	\$2,611
14	\$144,892	\$12,075	\$6,038	\$5,573	\$2,787
15	\$154,050	\$12,838	\$6,419	\$5,925	\$2,963
16	\$163,207	\$13,601	\$6,801	\$6,278	\$3,139
<b>Each additional family member, add</b>	\$9,158	\$764	\$382	\$353	\$177

**These guidelines are revised each year. The new guidelines are sent annually to all local agencies by the state WIC office. The revised guidelines are put into the AKWICC computer system annually by the state WIC office.**

**Income  
Defined**

**Definition of Income**

Income is defined as monetary compensation for services. It includes net income from self-employment after the deduction of business expenses. Both income levels and family size are critical components of the WIC income eligibility process. Family size and income must be recorded in the participant's file.

**Calculating  
Income**

Income is calculated as gross cash income before deductions for income taxes, employee's social security taxes, insurance premiums, child support, bonds, and similar payments. It includes the following:

- Monetary compensation for services, including wages, salary, commissions, or fees.
- Net income from farm and non-farm self-employment.
- Dividend payments received from Alaskan Native/Tribal Corporations.
- Social Security.
- Dividends or interest on savings or bonds, income from estates or trusts or net rental income.
- Public assistance or welfare payments.
- Government civilian employee or military retirement or pensions or veteran's payments.
- Unemployment compensation, workman's compensation for lost income, and severance pay.
- Private pensions or annuities, lump sum payments such as gifts, inheritances, and lottery winnings.
- Alimony or child support payments.
- Regular contributions from persons not living in the household.
- Net royalties.
- Student financial aid used for room, board, and/or dependent care expenses.
- Other cash income. Other cash income would include, but would not be limited to, Permanent Fund Dividends. The Alaska Permanent Fund Dividend (PFD) should be counted for WIC eligibility in one of the two following ways:

**Alimony and  
Child Support**

**Permanent  
Fund  
Dividend**

1. As part of annual income.
2. Divided by 12 and counted as monthly income.

- Cash amounts received or withdrawn from any source including saving, investments, trust accounts, and other resources which are readily available to the family.

### Exclusions from Income

When determining eligibility for the WIC Program, income or benefits from the following programs are not considered income:

- Benefits which are of value but are not provided in the form of cash (in-kind benefits).
- Military off-base housing allowance: Basic Allowance for Housing (BAH)
- Military Cost of Living (COLA) allowance.
- Basic Allowance for Quarters (BAQ)
- Variable Housing Allowance (VHA)
- Family Separation Housing (FSH)
- Overseas Housing Allowance (OSA)
- Cost of Living Allowance (COLA)
- Mandatory salary reductions for the GI Bill
- Family Subsistence Supplemental Allowance (FSSA)
- Pay and Allowance Continuation for Wounded, Ill, and Injured (PAC) should not be counted when determining WIC income eligibility. Continuation of pay during hospitalization and rehabilitation resulting from wounds, injury, or illness incurred while on duty in a hostile fire area or exposed to an event of hostile fire or other hostile action.
- Hazardous Duty Pay
- Hardship Duty Pay
- Combat Pay
- Hardship Duty Subject to Hostile Fire or Imminent Danger Pay
- Other related "Combat Pay" items not listed above should be referred back to the State WIC Office for further clarification.
- Total amount of federal refund received after December 31, 2009 – regardless of whether the refund is the result of a refundable credit, over-withholding, or both – is disregarded as income and resources in the month received. The resource exclusion lasts for 12 months.
- Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, Sec. 216, 42 U.S.C. 4636).
- Any payment to volunteers under Title I (VISTA) and Title II (Retired Senior Volunteers Program, Senior Companions Program, and Foster Grandparents Program) of the Domestic Volunteer Act of 1973.
- Payment to volunteers under section 8(b)(1)(B) of the Small Business Act (Services Corps of Retired Executives and Active Corps of Executives).

<b>Income Exclusions</b>
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- Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes (Pub. L. 94-114, Sec. 6, 25 U.S.C. 459e).
- Payments received under the Job Training Partnership Act (Pub. 97-300, Sec. 142(B), 29 U.S.C. 1552 (b). Example, Adult and Youth Training Programs, Summer Youth Employment and Training Programs, Dislocated Worker Programs, Programs for Native Americans, Migrant and Seasonal Farmworkers Program, Veterans Employment Program, and Job Corp.
- Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, Sec. 6).
- Payments received under the Alaska Native Claims Settlement Act (Pub. L. 94-204, Sec. 4(A), 43 U.S.C. 1626).
- The value of assistance to children or their families under the National School Lunch Act as amended, the Child Nutrition Act of 1966, the Food Stamp Act of 1977 (National School Lunch Program, Special Milk Program, School Breakfast Program, Summer Food Service Program, Child and Adult Care Program, Food Stamp Program, and Food Distribution Program on Indian Reservations).
- Payments by the Indian Claims Commission to the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation (Pub. L. 95-433, Sect. 6, (c), 25 U.S.C. 609c-1).
- Payments to the Passamaquoddy Tribes and Penobscot nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-420, Sect. 6, 9(c), 25 U.S.C. 609c-1).
- Payments under the Low-income Home Energy Assistance Act, as amended (P.L. 99-125).
- Student Financial assistance received from any program funded in whole or in part under Title IV of the Higher Education Act of 1965 (Pell Grant, Supplemental Education Opportunity Grant, State Student Incentive Grants, Perkins Loans, Plus Loans, College Work Study, Stafford Loans, Supplemental Loans for Students, and Byrd Honor Scholarship). The money must be used towards tuition and fees; costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study; and miscellaneous personal expenses. A student receiving assistance from any of the above mentioned programs must be attending classes at least on a half time basis.
- Payments under the Disaster Relief Act of 1974, as amended by the Disaster Relief and Emergency Amendments of 1989.
- Payments pursuant to the Agent Orange Compensation Exclusion Act.

<p><b>Income Exclusions</b></p>
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- Payments received for War-time Relocation of Civilians under the Civil Liberties Act of 1988 (Japanese Internment Camps).
- The value of any child care payments made under section 402 (g)(1)(E) of the Social Security Act, as amended by the Family Support Act (AFDC Child Care Program, Title VI A Child Care Program, and JOBS Child Care Program).
- The value of any "at-risk" block grant child care payments made under section 5081 of P.L. 101-508 (At-Risk Child Care Program).
- Mandatory salary reduction amount for military service personnel which is used to fund the Veteran's Educational Assistance Act of 1984 (GI Bill), as amended.
- Payments received under the Cranston-Gonzales National Affordable Housing Act, unless the income of the family equals or exceeds 80 percent of the median income of the area;.
- Payments received under the Housing and Community Development Act of 1987, unless the income of the family increases at any time to not less than 50 percent of the median income of the area.
- Payments received under the Sac and Fox Indian claims agreement.
- Payments received under the Judgment Award Authorization Act as amended.
- Payments for the relocation assistance of members of Navajo and Hopi Tribes.
- Payments to the Turtle Mountain Band of Chippewas, Arizona.
- Payments to the Blackfeet, Grosventre, and Assiniboiné tribes (Montana) and the Papago (Arizona).
- Payments to the Assiniboiné Tribe of the Fort Belknap Indian community and the Assiniboiné Tribe of the Fort Peck Indian Reservation (Montana).
- Payments to the Red Lake Band of Chippewas.
- Payments received under the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act.
- Payments to the Chippewas of Mississippi.
- Lump sum payments such as reimbursements received from insurance companies for loss or damage of real or personal property (such as a home or a car) and payments that are intended for a third party to pay for a specific expense (such as payment of medical bills resulting from an accident or injury).
- Payments received under the Old Age Assistance Claims Settlement Act, except for per capita shares in excess of \$2,000, as an income exclusion.
- The value of any child care and development block grant program payments, as amended in 1992.

- Payments received under the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (Pub L. 101-392, sec. 501, 20 U. S. C. sec. 2466d)."
- The Family Subsistence Supplemental Allowance (FSSA) payment provided by the Department of Defense (DoD) to low-income members of the Armed Forces.
- Payments received under the National Flood Insurance Program (NFIP) for flood mitigation activities.
- Short-term, non-secured loans. Loans to which the applicant does not have constant or unlimited access. Funds from loans are not to be counted as income because they are only temporarily available and must be repaid.
- Rebates from the Economic Stimulus Act of 2008 shall not be taken into account as income for purposes of determining the eligibility of individual(s) for WIC income determination.
- Energy Rebate for 2008.

**Income  
Proof  
Required**

**Income Determination Required**

All applicants must provide proof of income eligibility or proof of adjunctive eligibility. All questions regarding income eligibility on the application form are to be answered. If the applicant does not know the answer, this should be stated rather than leaving the question unanswered.

Self-declaration, which means the verbal reporting of income by an applicant, is not permitted, except in the special circumstances detailed below.

**Income  
Documentation**

**Documentation of Income**

Current paycheck stubs or earnings statements, W-2 forms with the corresponding income tax return, check stubs from unemployment compensation checks, a letter from the employer, or other appropriate documents sufficient for establishing the current family income level of the entire economic unit are acceptable forms of documentation. Someone in the community (such as a community health representative, social service worker, minister, priest or rabbi) may provide verification of income. Applicants must submit documentation substantiating reported income for all members of the economic unit.

- A photocopy of the actual documentation placed in the participant's file is optimal. It may be more practical to place a notation in the file of the specific types(s) of documentation that were viewed.
- This notation may consist of an appropriate annotated box on the Documentation of Identity, Residency and Income form at the end of this chapter or
- Notation in the "Office Use Only" box on the Family Information Form or

- Notation in the text field of the (Family Comments) section in the computer.

This procedure should be followed for both regular and adjunctive eligibility documentation. The signature of the WIC staff person on the “Office Use Only” portion of the application form is accepted as verification that the staff person examined, and accepted as valid, the documentation provided by the applicant. Notation of the type of document viewed is required, along with the signature of the WIC staff.

#### Adjunctive Eligibility

Local agencies must accept as adjunctively income-eligible for the WIC Program any applicant who documents that he/she is:

- Certified as fully eligible to receive Food Stamps
- Certified as fully eligible, or presumptively eligible pending completion of the eligibility determination process, to receive assistance from the Alaska Temporary Assistance Program (ATAP - formerly known as AFDC), or a member of a family that is certified eligible to receive assistance from ATAP
- Certified as fully eligible, or presumptively eligible pending completion of the eligibility determination process, to receive assistance under Medicaid (including Denali Kid Care), or a member of a family in which a pregnant woman or an infant is certified eligible to receive assistance under Medicaid
- A member of a family in which a child is eligible to receive Free or Reduced Price School Lunch

#### Adjunctive Eligibility

In these situations, a separate income determination does not need to be made by WIC staff to determine WIC income eligibility. Individuals are required to document that they, or a family member, are certified as eligible for one or more of these programs by providing the following documentation:

#### Documentation of Adjunctive Eligibility

- Food Stamps - Food Stamp envelope with name, address and date, or a current dated notice from the Division of Public Assistance indicating they are currently receiving Food Stamp benefits, or direct contact by calling the Division of Public Assistance
- ATAP - letter of verification and printout of benefits, with name and date
- Medicaid - Medicaid “sticker” coupon with name and month of participation
- Free or Reduced Price School Lunch - a copy of the letter notifying the family of eligibility, with name and date

Members of families with children currently enrolled in Head Start who meet the Head Start income limits are adjunctively income-eligible for WIC. A dated letter of verification is required. For a member of the ten percent of Head Start enrollees who are not required to meet the Head

Start income limits, a separate income determination must be made by WIC staff to determine WIC eligibility.

#### Income Certification for Certain Alaska Natives

Alaska Native and American Indians who reside in the service area of local agencies where the majority of the Native households have incomes at or below the State agency's income eligibility guidelines may use an income certification system under which the local agency informs each Native applicant household, in writing, of the maximum family income allowed for that applicant's family size.

**Income  
Certification  
for Certain  
Alaska  
Natives**

Prior authorization for using this income certification system must be received from FNS and the state agency. The local agency must ensure that the applicant, or the applicant's parent or caretaker, signs the "WIC Alaska Native/American Indian Income Certification" form found at the end of this chapter. This is a statement that the applicant's family income does not exceed the maximum. The local agency may verify the income eligibility of any Native applicant.

The local agencies currently authorized to use this income certification system are:

- Maniilaq Association
- Metlakatla Indian Community
- Norton Sound Regional Health Corporation
- Tanana Chief's Conference
- Yukon-Kuskokwim Health Corporation

This income certification system applies only to Alaska Native and American Indian applicants at these five local agencies. All non-native applicants at these five agencies are required to follow the regular income documentation process. The "WIC Alaska Native/American Indian Income Certification" form may only be used in the regions listed above where the population located in the village is fewer than 5,000 and not accessible year-around by means of a public road. All Native and non-Native applicants at other local agencies must follow the regular income documentation process.

#### Self-Declaration of Income

**Self-Declaration  
Of Income**

Self-declaration, the verbal reporting of income by an applicant, is not permitted, except under the following special circumstances: applicants lacking proof of income at certification appointment and applicants reporting zero income.



**Applicant  
Without  
Proof of  
Income**

**Applicants Lacking Proof of Income at Certification Appointment**  
WIC staff should clearly communicate to applicants the kinds of information they need to bring to the clinic for review at their first certification appointment. Nevertheless, for “walk-in” applicants and those who fail to bring proof of income to the certification appointment, the following procedures are acceptable:

- If the applicant receives Food Stamps, Medicaid, ATAP, or Free or Reduced Price School Lunch, the local agency may contact the appropriate social services office to verify that the applicant is adjunctively eligible.
- The local agency may inform the applicant of what constitutes acceptable proof of income, make a new certification appointment within the timeframes for meeting certification processing standards, and certify only with income documentation.

**Applicant  
Without  
Proof of  
Income**

- The local agency may screen for income eligibility based on self-declaration using the No Proof Form and, if eligible, provide 30 days of food benefits. The local agency must require that the appropriate documentation be provided within 30 days for benefits to continue. Local agency staff must inform the participant that repeated failure to comply with the income documentation requirement is cause for disqualification, suspension, or discontinuation of benefits. If the applicant fails to provide the documentation within the 30-day time limit, or is determined to be over income, the individual shall be determined ineligible and benefits should cease. The applicant would not be required to pay back the benefits received for that one month. If the applicant returns within the 30-day time period with the documentation and found eligible, the applicant should be certified for the certification period beginning with the month benefits were initially provided. The option to receive 30 days of food benefits must not be used if an applicant repeatedly comes to certification appointments or mails application forms without any income documentation.

**No Proof  
Form**

- If the applicant is in a situation unlikely to yield written documentation of income, such as for a homeless woman or child, or a migrant farmworker or person who works for cash, requiring income documentation may pose an unreasonable barrier to participation. Such applicants may self-declare income. The No Proof Form found at the end of this chapter must be used for documentation. The documentation must include a statement of why the applicant cannot provide documentation of income, and must be signed and dated by the applicant.

**Applicant  
with Zero  
Income**

**Applicants Reporting Zero Income**

All applicants declaring zero income must be thoroughly screened and prompted to describe in detail their living circumstances and how they obtain basic living necessities such as food, shelter, medical care and clothing. WIC staff can assist applicants at truly zero income not only with WIC services but also through referrals to local sources of aid and assistance.

**Applicant  
with Zero  
Income**

Zero family income is a legitimate situation. However, given WIC's definition of family size and income, which is a group of related or unrelated persons sharing financial and other resources, applicants declaring zero income should be asked questions such as: Where is your family getting food? Where is your family living? How long has the family been without income? WIC's income eligibility process requires determination of income and family size on the basis of the economic unit sharing resources. For example, an unemployed pregnant woman with no personal income living with a friend who provides shelter, water, electricity and food to her in return for her care of the friend's two children may unintentionally and honestly report zero income as a family or two (herself and her unborn child). In this example, the applicant should be counted as a part of the larger economic unit, that is, a family of five with an income that is the friend's income.

Applicants truly reporting zero income must be asked to sign a statement attesting that they have no income. The statement must include a description of how the applicant meets basic expenses.

In most cases, an applicant's financial circumstances change and they will not remain at zero income indefinitely. Therefore these participants should be asked to bring in documentation of income as soon as they begin to receive any income.

**Applicant  
With Alien  
Status**

**Income Documentation and Alien Status**

Providing income information is a sensitive issue for some people. Individuals who have legal alien status, for example, may feel threatened or unsure about sharing documents with any government agency, for fear that this could affect their immigration status. These applicants should be reassured that all information in their files is confidential and will be used for health and nutrition services purposes only.

**Public Charge**

**Public Charge Issue**

"Public Charge" is a term used by the Immigration and Naturalization who depend on public benefits such as welfare. Depending on a person's immigration status, the INS can refuse to let that person re-enter the US,

or become a permanent resident or citizen, because they are considered a public charge who cannot support themselves.

Applicants should be told that being on WIC does NOT make an alien a public charge. WIC benefits cannot be denied to any aliens who have used WIC, and the INS cannot request that aliens repay any WIC benefits they have received. It is the INS and State Department's position that receipt of WIC benefits will not have any effect on an individual's application for immigration or citizenship benefits.

WIC is available to foreign citizens, including foreign students residing in the United States, provided they meet program eligibility requirements. Alien status cannot be a factor in eligibility determination.

**Income  
Documentation  
And  
Presumptive  
Eligibility**

**Income Documentation and Presumptive Eligibility**

It is important not to confuse income documentation procedures with presumptive eligibility. A pregnant woman who is certified for Medicaid is presumptively eligible to participate in WIC. She may be certified immediately without waiting until a nutritional risk determination is made, but her income eligibility must be determined at the time of initial certification. Only the nutritional risk assessment can be delayed 60 days after the woman is certified for participation.

**Annual vs.  
Current  
Income**

**Annual vs. Current Income**

Local agencies should consider the income of the family during the past twelve months and the family's current rate of income to determine which indicator more accurately reflects family income status. For example, if adult members of a family are employed in fishing during the summer months, but are unemployed for the rest of the year, the income earned during the summer months should be averaged over the entire 12-month period to determine income eligibility.

**Military  
Income**

**Military Income**

In determining income eligibility of any applicant whose family contains one or more military members, all gross income should be counted except the value of in-kind housing: Basic Allowance for Housing (BAH), Family Separation Housing (FSH) and Overseas Housing Allowance (OHA). Also excluded from determining income eligibility is the value of the Cost of Living Allowance (COLA), mandatory salary reductions for the GI Bill and other in-kind benefits. COLA is not considered income for WIC income verification in Alaska. Basic Allotment for Sustenance (BAS) is considered income. Military off-base housing is not considered income. Additional monetary allowances provided to military personnel stationed in areas with higher than average housing costs, such as Basic Allowance for Quarters (BAQ) or Variable Housing Allowance (VHA), are not considered income.

If a military family has one or more members stationed overseas or away from home who are receiving additional military compensation such as family separation allowance, and/or foreign duty pay, this is counted as family income. This additional income may only be provided on a temporary basis. If this is the case, the family's income should be averaged over the past 12 months.

Combat duty pay or Hostile Fire Pay/Imminent Danger Pay or Hardship Duty Pay is excluded from the WIC income eligibility determination if the pay:

- Has been received in addition to the service member's basic pay
- Has been received as a result of the service member's deployment to or service in an area that has been designated as a combat zone
- Has not been received by the service member prior to his/her deployment to or service in the designated combat zone

In summary, Military Income can be counted as outlined below:

**Included as Gross Income:**

Basic Pay

Basic Allotment for Subsistence (BAS)

Flight Pay

Deployment Pay such as:

- Family Separation Allowance

Foreign Duty Pay

(These payments can be counted over a 12 month period)

**Excluded Income for Military Families:**

Basic Allowance for Housing (BAH)

Basic Allowance for Quarters (BAQ)

Variable Housing Allowance Housing (VHA)

Family Separation Housing (FSH)

Overseas Housing Allowance (OSA)

Cost of Living Allowance (COLA)

Mandatory salary reductions for the GI Bill

Family Subsistence Supplemental Allowance (FSSA)

Hazardous Duty Pay

Hardship Duty Pay

Combat Pay

Hardship Duty Subject to Hostile Fire or Imminent Danger Pay

Other related "Combat Pay" items not listed above should be referred back to the State WIC Office for further clarification.

Pay and Allowance Continuation for Wounded, Ill, and Injured (PAC) should not be counted when determining WIC income eligibility.

Continuation of pays during hospitalization and rehabilitation resulting

from wounds, injury, or illness incurred while on duty in a hostile fire area or exposed to an event of hostile fire or other hostile action.

### **Military Reservist**

Applicants from families in which one or more family member are military reservists who have been placed on active duty may experience dramatic changes in their income sources and total gross income such that they may become eligible for the WIC Program. In this circumstance, the family's income eligibility is determined based on the family's current rate of income (while the reservist is on active duty), as opposed to income received over the past 12 months.

### **Migrant Farmworker**

#### **Migrant Farmworkers**

Migrant farmworkers and their family members with expired Verification of Certification documentation from another state are income eligible for the Alaska WIC Program if the expiration date on the documentation is no more than twelve months ago. Their income does not have to be checked again until their next certification. This applies to income eligibility only. These applicants must still meet other eligibility criteria before they can be certified for the Alaska WIC Program.

#### **Determining Family Size**

### **Family Size**

#### **Definition of Family**

A family is a group of related or nonrelated individuals who are living together as one economic unit (except that residents of a homeless facility or institution are not considered members of a single family). Family members share income and consumption of goods and/or services.

### **Economic Unit**

It is reasonable to assume that persons (other than the homeless and those living in institutional settings and homeless facilities) living in the residences of others, are receiving some degree of support and some commingling of resources which makes them members of the economic unit in which they live. However, with appropriate documentation, such as proof of fair proration of rent and all living and economic unit expenses, and proof of ability to finance personal expenses such as transportation, child care, and health and medical costs, it is possible to establish that more than one economic unit lives under one roof.

### **Military Families**

#### **Active Military Families**

Local agencies may be confronted with dramatic household composition changes for military family members in which military service personnel are deployed overseas or assigned to a military base and temporarily

absent from home. There are three options in determining family composition and income.

- Military personnel serving overseas or assigned to a military base, even though they are not living with their families, are considered members of the household or economic unit. The income received by military individuals and all other income received by members of the economic unit is counted as household income.
- Count the children as a separate economic unit. To be counted as a separate economic unit the unit must have its own source of income, or child allotment(s). If the child allotment(s) is not considered adequate, the next option below is to be used.
- Consider the children to be part of the economic unit of the person(s) they are residing with; therefore, family composition and income would be determined on this basis.

### **Adopted Child**

#### **Adopted Child**

When a family has adopted a child, or accepted legal responsibility for a child, the child is counted in determining family size. The size and income of that family is used to determine the child's income eligibility for WIC.

### **Child Away From Home**

#### **Child Away from Home**

A child residing in a school or institution, whose support is being paid by the parent or guardian, should be counted in determining the family size of the parent or guardian. Even though this child is living apart from his/her parent or guardian for the majority of the time, the child is counted as part of the family, since the family continues to provide economic support for the child.

### **Child In Temporary Care**

#### **Children in the Temporary Care of Friends or Relatives**

Local agencies may elect any of the following options, depending on individual family circumstances:

Count the absent parents and their children as the economic unit as would have been the case prior to the parents' departure. Use of this option would be dependent on whether the local agency can reasonably determine, based on available data, the total gross income of that economic unit.

Count the child(ren) as a separate economic unit. To be considered a separate economic unit, the unit must have its own source of income, e.g., child allotment(s).

If option one or two is not feasible, consider the child(ren) to be part of the economic unit of the caretaker and determine family size and income on that basis.

#### **Cohabitation**

## Cohabitation

Individuals who cohabitate (live together) as domestic partners are considered part of the same household or economic unit and are therefore counted in making a determination of household size. This includes same gender domestic partners. Income of the domestic partner is included in the total household income.

## Emancipated Minor

### Emancipated Minor

- For purposes of determining eligibility for WIC services, the determinant of whether a minor is emancipated - and thus a separate economic unit - is whether or not the minor is supporting herself, without economic support from other persons. If she is living at home but supporting herself **by providing for her own room, board and medical care**, she is considered a separate “family” or economic unit for purposes of income eligibility determination. **If the minor is:**
- **Certified as fully eligible to receive Food Stamps**
- **Certified as fully eligible, or presumptively eligible pending completion of the eligibility determination process, to receive assistance from the Alaska Temporary Assistance Program (ATAP - formerly known as AFDC), or a member of a family that is certified eligible to receive assistance from ATAP**
- **Certified as fully eligible, or presumptively eligible pending completion of the eligibility determination process, to receive assistance under Medicaid (including Denali Kid Care), or a member of a family in which a pregnant woman or an infant is certified eligible to receive assistance under Medicaid**
- **A member of a family in which a child is eligible to receive Free or Reduced Price School Lunch**

**In these situations, a separate income determination does not need to be made by WIC staff to determine WIC income eligibility.**

## Documentation of Adjunctive Eligibility

### Foster Child

A foster child living with a family, but remaining the legal responsibility of a welfare or other agency, is considered a family of one. The payments made by the welfare agency or from any other source for the care of that child are considered to be the income of that foster child. If the annual income for the foster child is at or below the income criterion, the foster child is income eligible for WIC benefits.

A foster child who remains the legal responsibility of a welfare or other agency cannot confer adjunctive income eligibility to family members, since a foster child is considered a one-person household for WIC purposes.

### Pregnant Woman

## Pregnant Woman

A pregnant woman is counted as two (or more, depending on the number of embryos or fetuses) persons for the purpose of determining family size, and thus income eligibility, for her and for her other children. If the pregnant

woman is carrying multiple fetuses, the family size is increased by the number of embryos or fetuses she is carrying.

Local agencies are not required to implement this policy in individual cases where counting her fetus as a separate individual conflicts with her cultural, personal, or religious beliefs. However, the information must be recorded in the participant's file.

#### Eligibility of Other Family Members in Pregnant Woman's Family

In situations where the family size has been increased for a pregnant woman, the same increased family size may also be used for any of her categorically eligible family members.

#### **Proof of Pregnancy**

##### Proof of Pregnancy

If an applicant's status as a pregnant woman is not visibly apparent, proof of pregnancy is optional at the local agency level. Proof may be required when the pregnancy is not visibly noticeable and no documentation of proof is available at certification. If an applicant says she is pregnant and the local agency has reason to suspect a false claim, the local agency can at any time require the needed documentation.. If proof is not provided in 60 days and the pregnancy is still not apparent, benefits should not continue to be issued until proof is provided.

#### **Multiple Births**

Proof of multiple births is asked of the applicant as part of the eligibility determination process. However, this must not be a barrier to participation. An applicant may self-declare that she is pregnant with multiple fetuses. The applicant is asked to bring proof at the next appointment, or as soon as possible.

#### **Separate Households**

##### Separate Households

A child is counted in determining the family size for the parent or guardian with whom the child lives at least 50 percent of the time.

For example: a mother and father are divorced. The mother and child live together at least 50 percent of the time and receive child support payments from the father. The father has remarried and lives with his new wife who is expecting a baby. The new wife and the ex-wife apply for WIC benefits. The ex-wife and her child are a family of two, and the child support payments are counted as income. The husband, new wife and unborn child have a family size of three (or four, if the child from the first marriage is living with the father 50 percent of the time). The child support payments cannot be deducted from the father's income and the child living with the ex-wife cannot be counted in the father's family.

#### **Joint Custody**

##### Separate Households With Joint Custody

When parents have joint custody and maintain separate households, either parent may apply for their child providing they have custody of the child at



least 50 percent of the time. The other parent may not also apply for benefits for that same child. The benefits for the child will be provided by the local agency only through the parent who made the application. It is the responsibility of the two parents to mutually agree on sharing of the child's supplemental foods. The parent who did not make the initial application for the child may make applications for herself and for other child(ren) residing with her, and can count the child receiving WIC benefits through the other parent as part of her household size.

For example: Child A's parents have joint custody, each for 50 percent of the time. Child A's mother has been approved for WIC benefits for Child A, and Child A is counted in determining the size of her household. The two parents decide on how to share the child's WIC foods between the two households. Child A's father has remarried, and applies for WIC benefits for other children in his new household. He can also count Child A as part of his household size in applying for benefits for the other children. He cannot deduct child support he pays for Child A in determining income for his new household.

<p><b>Mid-Certification Income Disqualification</b></p>
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**Mid-Certification Income Disqualification**

Local agencies are required to reassess a participant's income eligibility during the certification period if new information indicates that the participant's household income may have changed. Reassessment of income eligibility is not required in cases where sufficient time does not exist to effect the change. Sufficient time means 90 days or less before the expiration of the certification period.

Local agencies are required to disqualify and terminate a participant in the middle of a certification period if the participant volunteers the information that they are over income, or a family member is found income ineligible at recertification.

A participant is not automatically disqualified mid-certification due to the fact that he or she no longer participates in one or more of the programs for which they were originally determined adjunctively income eligible. Income eligibility must be re-determined when a participant no longer participates in a program which originally entitled him or her to adjunctive eligibility. Eligibility is re-determined based on WIC income guidelines and disqualification made only after all other options are reviewed.

For example: Child X was certified, using participation in Alaska Temporary Assistance Program (ATAP - formerly known as AFDC) as proof of adjunctive income eligibility. Child X's family ceases participating in ATAP during Child X's certification period. Child X is not automatically disqualified mid-certification. Instead, the family is asked if they participate in any other program which would make Child X adjunctively eligible for WIC. If they do, Child X may continue receiving WIC services under the

new adjunctive eligibility. If the family does not participate in any of the other qualifying programs, then their income is evaluated to determining income eligibility. If their income falls within WIC income guidelines, Child X may continue receiving WIC services. If the income is above WIC income limits, then Child X can no longer receive WIC services.

**Over  
Income**

**Over Income Applicants**

If an applicant is found to be over income, he/she should be given the “Your Benefits Have Ended” notification and referred to the Medicaid/Denali Kid Care Program or other programs that may benefit the family. Notify the family that if they are found to be income eligible for one of the income adjunctive programs (DKC, FSP, ATAP, etc) to reapply for WIC at that time. A copy of the “Your Benefits Have Ended” form is given to the client and one kept in the client’s chart. For new applicants that have no established file; keep the copy of the form and any paper work associated with the applicant. For any applicants or clients that do not qualify for the program (for any reason) keep their files separated from current active files.

**Nutritional  
Risk**

**Nutritional Risk Eligibility Requirement**

To be certified as eligible for the program, applicants who meet the categorical, residential and income eligibility requirements of this section must also be determined to be at nutritional risk. See the Nutritional Risk Section in Chapter 2 for information on the determination of nutritional risk eligibility.

**Participant  
File  
Requirements**

**Documentation in Participant Files**

**Definition of Participant File**

Participant files or records are defined as papers, files, accounts, writings, including notes of counseling and conversations, and other items, regardless of format or physical characteristics, that are developed or received by the WIC program, or by a health care provider or referral source for the WIC program that contain information pertaining to a participant and that is preserved for its informational value or as evidence of the operation of the WIC program. These files must be kept in a secure location. This includes AKWIC computer files. Paperless systems must include reliable and secure protocols. For example, Section 246.26 of the WIC regulations requires that only individuals involved in the administration and enforcement of the program are authorized to access confidential WIC information. Electronic system must protect against unauthorized access to confidential program information.

**Minimum Requirements for Contents of Participant Files**

The following, at a minimum, must be kept in each participant’s file:

- Application Form(s). The WIC Family Information application form with the parent or guardian's signature on the WIC Rights and Responsibilities section must be kept in the file of the parent or guardian if more than one member of a family is participating in WIC. This form must be kept in the paper file.
- Documentation of identity, residency and income. This may be photocopied, or in the form of notation of the type of documents examined. This notation may be in the "Office Use Only" box on the Family Information Form or a notation in the text field of the (Family Comments) section in the computer.
- Nutrition Care Plan for high risk participants (paper or computer file).
- Dietary assessment form must be kept in the paper file if the participant is certified with a nutritional risk factor of inadequate diet.
- Signed receipts for food warrants or mailed food boxes (must be kept for two years after issue date only). They can be kept in the participant's file or in a separate set of files organized for ready retrieval when receipts need to be examined.
- Progress notes and documentation of need for Ready-to-Feed formula, if prescribed (paper or computer file).
- Notification of Termination. This form must be kept in the paper file.

The following documents must also be placed in the participant's file, if applicable:

- No Proof of Income Form
- Enteral Nutrition Prescription Request forms for non-contract formulas, special medical formulas or Food Package III. This form must be kept in the paper file.
- Referral forms.
- Alaska WIC Program Complaint Form. This form must be kept in the paper file.
- Lost or Stolen WIC Warrant Report. This form must be kept in the paper file.
- Civil Rights Complaint Report. This form must be kept in the paper file.

<b>Records Retention</b>
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### **Retention of Participant Records**

#### **Paper Files**

At a minimum, the documents listed above which must be kept in the paper file of a participant, must be retained at the appropriate local agency clinic site for one year after termination of the participant from the program. In addition, the file must be archived for an additional two years. In total the documents must be kept for three years.

<b>Warrant and Food Box Receipts</b>
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Signed receipts for food warrants or mailed food boxes need to be kept for the full three year retention period required for other documents in a file as

described above. They can be kept in the participant's file or in a separate set of files organized for ready retrieval when receipts need to be examined.

### **Computer Files**

#### **Computer Files**

The retention of computer files is a state agency responsibility. All data will be retained for at least three years. Management of this data is also a state agency responsibility.

## **COORDINATION OF CERTIFICATION ACTIVITIES WITH OTHER HEALTH AND SOCIAL SERVICES**

### **Referral Requirements**

#### **Required Referral Information**

Local agencies are required to make information on the following available to all adults applying or re-applying for themselves or on behalf of others:

- Food Stamp Program
- Early Periodic Screening, Diagnosis and Treatment (EPSDT)
- Alaska Temporary Assistance Program (ATAP- formerly known as AFDC)
- Immunizations
- Child Support Enforcement (CSE)

#### **Medicaid Referral Requirement**

Local agencies are required to provide written material on Medicaid/DKC services and income guidelines.

Federal welfare reform initiatives eliminates required referrals to the Food Stamp Program, ATAP and CSE from federal regulations, but the state of Alaska continues to require these referrals.

### **Referral Systems**

#### **Referral Systems**

Local agencies are required to coordinate services, and develop referral systems with the following local health care providers, if the programs exist in their geographical service area:

- Prenatal and postnatal care programs
- Immunization programs
- Family planning programs
- Healthy Families
- EPSDT
- Expanded Food and Nutrition Education Program (EFNEP)
- School clinics
- Well-child programs
- Community health centers
- Breastfeeding promotion entities

- Substance abuse prevention and treatment programs
- Child protective services
- Dental services
- Domestic violence prevention and intervention programs
- Food Banks and other food assistance programs
- Homeless facilities
- Infant Learning Programs (ILP)
- Foster care agencies
- Public Assistance

### **Referral Methods**

The primary referral methods used by local agencies for referral to other health care and social service programs include:

- Verbal referrals to participants
- Telephone calls to referral agencies
- Written literature on referral agencies

### **Referral Documentation**

Referral documentation can be done in one of the following areas:

- In the computer on the “Certification Tab”, use the drop down box and select one or more referrals in the “Services Referred To” area or
- Document the referral in the text field of the (Family Comments) section in the computer.

### **Referrals From Other Agencies**

#### **Referrals from Other Agencies**

Local agencies are encouraged to provide other health and social service programs in their geographical area with WIC eligibility information; the location, telephone number(s), and hours of local WIC clinics; and WIC application forms including rights and responsibilities, nondiscrimination policy, and civil rights complaints procedures. Local agencies are encouraged to have staff of these referring agencies help WIC applicants to fill out the application forms. Local agencies are also encouraged to provide the referring agency with subsequent follow-up information on the applicant’s WIC application and certification.

#### **Coordination of Services**

##### **Medicaid**

### **Medicaid**

Local agencies are encouraged to refer all eligible applicants to the Alaska Medicaid Program, which includes Denali KidCare. Application is made through local offices of the State of Alaska, Department of Health and Social Services, Division of Public Assistance. For those who qualify, Medicaid provides an access to a broad range of medical care for applicants. It can help assure adequate prenatal care for expectant mothers, as well as provide for complete screening and provision of any necessary

medical treatment for children under the age of twenty-one through the Early Periodic Screening, Diagnosis, and Treatment Program (EPSDT).

Eligibility standards for Medicaid are complex. With some exceptions, eligibility for Medicaid is linked to eligibility for public assistance programs (Adult Public Assistance, Supplemental Security Income, Alaska Temporary Assistance Program, and so on). Applicants do not need to be recipients of these programs, but they do need to meet the eligibility requirements. Eligibility for Medicaid may be retroactive for up to three months if the applicant met the eligibility requirements during those months. Income limits for Medicaid eligibility vary depending on the status of the applicant. It is indexed to the federal poverty standard (for Alaska) which is adjusted annually. The dollar maximum for income is a percentage of the federal poverty standard, however, programs may have different rules defining income.

Medicaid eligibility is complex and a child may qualify even if their parent or caretaker does not. **When in doubt, refer.** Referrals must be via written material on Medicaid/DKC services and income guidelines.

**Child  
Support  
Enforcement**

**Child Support Enforcement**

Alaska's Child Support Enforcement Agency (CSEA) is located within the State Department of Revenue. This agency provides assistance in locating absent parents; establishing paternity; establishing a child support order; establishing and enforcing medical support; enforcing, collecting and maintaining child support payments; and reviewing and adjusting child support orders. These services are available to any individual who is responsible for a child's welfare. Services are automatically provided for anyone receiving public assistance (ATAP), Medicaid or Foster Care, others must apply for services. CSEA works cooperatively with other states in enforcing child support orders throughout the nation.

There no fees for those receiving ATAP or medical assistance. CSEA currently requests reimbursement for blood test services, attorney's fees and process server fees. These fees are charged to the person responsible for paying support. When another state is involved, any fees charged by that state will be collected.

CSEA does not provide assistance with visitation, custody or property settlement matters. If an applicant/participant needs assistance with these matters they should be referred to an attorney, Alaska Legal Services or the court.

**Coordination  
With  
Hospitals**

**Hospitals**

Local agencies are encouraged to develop written cooperative agreements with local hospitals. The agreement should ensure that potentially eligible

individuals that receive inpatient or outpatient prenatal, maternity, or postpartum services, or that accompany a child under the age of five who receives well-child services, are informed of the availability of WIC services.

Local agencies are encouraged to provide opportunities for individuals who may be eligible for WIC services to be certified within the hospital.

**Coordination  
With  
Health Care  
Providers**

**Physicians, Public Health Nurses and other Health Care Providers**

Local agencies are encouraged to provide local health care providers with outreach information such as brochures and posters, and to develop written cooperative agreements with these health care providers. The agreement should ensure that potentially eligible individuals that receive outpatient prenatal, maternity, or postpartum services, or that accompany a child under the age of five who receives well-child services, are informed of the availability of WIC services available in their community.

**Head Start  
and  
Child Care  
Food  
Programs**

**Head Start and Child Care Food Programs**

Local agencies are encouraged to develop written cooperative agreements with their local Head Start agency, and through it with the Child and Adult Care Food Program. The purpose of these agreements is to facilitate the delivery of nutrition services by:

- Removing barriers to application for services
- Reducing duplication and thereby increasing effectiveness and efficient use of resources
- Improving service delivery methods

**WIC Immunization Screening and Referral Requirements**

WIC's role in immunization screening and referral is to support existing funded immunization activities. The Immunization Program in each State is the lead agency in immunization planning and screening, and is responsible for design of immunization systems.

**Immunization**

WIC State and local agencies must develop plans to coordinate with providers of immunization screenings so that children participating in WIC are screened and referred for immunizations using a documented immunization history. This must be implemented by March 1, 2003.

The purpose of the minimum screening and referral protocol is to identify children under age two who may be at risk for under-immunization. It is not meant to fully assess a child's immunization status, but allows WIC to effectively fulfill its role as an adjunct to health care by ensuring that children who are at risk for under-immunization are referred for appropriate care.

Minimum Screening and Referral Protocol

1. When scheduling WIC certification appointments for children under the age of two, advise parents and caretakers of infant and child WIC applicants that immunization records are requested as part of the WIC certification and health screening process. Explain to the parent/caretaker the importance that WIC places on making sure that children are up to date on immunizations, but assure applicants that immunization records are not required to obtain WIC benefits.
2. At initial certification and all subsequent certification visits for children under the age of two, screen the infant/child's immunization status using a *documented* record. A documented record is a record (computerized or paper) in which actual vaccination dates are recorded. This includes a parent's hand-held immunization record (from the provider), an immunization registry, an automated data system, or a client chart (paper copy).
3. At a minimum, screen the infant/child's immunization status by counting the number of doses of DTaP vaccine they have received in relation to their age, according to the following table:  
  
**By 3 months of age, the infant/child should have at least 1 dose of DTaP.  
By 5 months of age, the infant/child should have at least 2 doses of DTaP.  
By 7 months of age, the infant/child should have at least 3 doses of DTaP.  
By 19 months of age, the infant/child should have at least 4 doses of DTaP.**
4. If the infant/child is not fully immunized: (1) provide information on the recommended immunization schedule appropriate to the current age of the infant/child, and (2) provide referral for immunization services, ideally to the child's usual source of medical care.
5. If a documented immunization record is not provided by the parent/caretaker: (1) provide information on the recommended immunization schedule appropriate to the current age of the infant/child, (2) provide referral for immunization services, ideally to the child's usual source of medical care, and (3) encourage the parent/caretaker to bring the immunization record to the next certification visit.

Village health aides conduct screening and IMMUNIZE WIC children using a documented immunization history for the villages. Therefore, village clinics are NOT required to assess immunization records for these children who receive WIC services by mail. This includes those receiving mailed warrants and MOV food packages."



**Immunization  
Documentation**

Immunization documentation is done in the computer's "Immunizations" box on the "Certification Tab". Documentation of immunizations for children under age two is done by putting a notation by "Current" if immunizations are up to date; a notation by "Records" if the immunization record was seen and a notation by "Referred" if no record was seen or if the immunizations are not up to date.

**APPLICATION PROCESSING STANDARDS, CERTIFICATION PERIODS, AND RECERTIFICATION**

**Required  
Timeframes  
for  
Processing  
Applications**

**Applicant Notification Standards**

The date of application is the date the applicant calls or visits the local agency during clinic office hours to make an oral or written request for program benefits; or when a mailed application from a referral client without access to a WIC clinic is received by the local agency. To ensure that accurate records are kept of the date of application for benefits, the local agency must, at the time of the call or visit, or receipt of the mailed application, record the applicant's name, address, and the date. Mailed applications should be date stamped on the day they are received. The remainder of the information necessary to determine eligibility can be obtained at the time of certification. The local agency must act on applications within the timeframes described below.

**High  
Risk  
Applicants**

**High Nutritional Risk Applicants - 10 Calendar Days**

Pregnant women eligible as Priority I participants, infants under six months of age eligible as Priority I participants, homeless applicants, and migrant farmworkers and their family members who plan to leave the jurisdiction of the local agency, must be notified of their eligibility or ineligibility within 10 calendar days of the date of the first application for program benefits.

If a local agency is unable to meet the 10 calendar day processing standard for these applicants, the local agency must make a written request to the state agency for an extension to 15 calendar days. The written request to the state agency must include a justification of the need for an extension.

**All Other Applicants - 20 Calendar Days**

All other applicants must be notified of their eligibility or ineligibility within 20 calendar days of the date of the first application for program benefits.

**Required  
Warrant  
Issuance  
Timeframes**

**Warrant Issuance Standards**

Local agencies must issue WIC warrants to the participant at the same time as the notification of certification. The warrants must provide benefits for at least the next 30 days and be redeemable immediately upon receipt by the participant when he or she is certified. Local agencies may mail the warrants

with the notification of certification to those participants who meet the criteria for the receipt of WIC warrants through the mail. This includes participants receiving services at satellite clinics that do not have computer equipment on-site to print warrants.

### **Written Procedures**

#### **Written Procedures for Appointments, Warrant Issuance, and Nutrition Education**

Local agencies are required to have written procedures on late and missed certification appointments, warrant pick up, and nutrition education. For late or missed certification appointments, the written procedures should specify how late is too late to be processed, how soon rescheduling should occur, and how a no-show will be followed up (i.e. telephone call or letter).

### **Missed Appointments**

For missed nutrition education sessions, the written procedures should specify how warrant issuance will be handled if session is missed, how late is too late to enter the classroom, how soon rescheduling should occur, and how a no-show will be followed up.

### **Certification Periods**

#### **Certification Periods**

Local agencies are authorized to certify participants for the following periods:

- Pregnant women: for the duration of their pregnancy and for up to six weeks postpartum.
- Postpartum women: for up to six months postpartum.
- Breastfeeding women: for a period of up to one year postpartum, or until she stops breastfeeding, ending with the breastfed infant's first birthday. Women who receive no supplemental foods or food instruments but whose breastfed infants receive formula instruments in excess of a partial breastfed infant package will also be included as participants.
- Infants: for intervals of 6 months. **Infants under 6 months of age may be certified for a period extending up to the first birthday provided the quality and accessibility of health care services are not diminished.**
- Children: for intervals of approximately six months and ending with the end of the last 30-day warrant issuance period before a child reaches the fifth birthday.

A pregnant woman whose pregnancy did not end in a live birth can be certified for up to six weeks postpartum, and can be reassessed for postpartum WIC benefits at the end of that period. If she is still income-eligible, meets residency requirements and meets nutritional risk criteria, she is eligible to be recertified for up to six months postpartum.

#### **Subsequent Certification(s)**

The procedures followed in recertification are the same as those for initial certification.

### **Recertification**

Each participant must be notified in writing, at least 15 days before the expiration of each certification period, that eligibility for the Program is about to expire. Before the certification period ends, eligible participants must be scheduled for recertification screening. Local agencies are responsible for determining how appointment scheduling will be conducted based on local procedures, space, and staffing.

In cases where there is difficulty in appointment scheduling for recertification, the certification period may be shortened or extended by a period not to exceed 30 days for breastfeeding women, infants and children under the age of five. Postpartum women who participated in the program during their pregnancy must be screened for recertification within six weeks postpartum.

### **Recertification Appointments**

Local agencies are responsible for determining how appointment scheduling will be conducted based on local procedures, space, and staffing. Local agencies must ensure that participants enrolled in WIC do not receive preferential treatment in scheduling for recertification appointments. If a local agency is unable to meet processing standards in scheduling new applicants, the following options may be considered: 1) Assign one-half of the appointments to new applicants and one-half for recertifications; 2) provide open clinics for walk-in appointments; 3) consider additional site locations or additional staff.

When a local agency has waiting lists, applicants going through recertification must be placed on the waiting lists in the same order as applicants applying for benefits for the first time, i.e., participants eligible for recertification screening must not receive preference over new applicants.

### **Denying or Terminating Benefits**

#### **Denial or Termination of Benefits**

If an applicant or participant is not (re)certified, local agencies must follow these steps:

- Explain to the applicant or participant the reason(s) for the denial or termination of benefits.
- Make appropriate referrals where the applicant may receive other assistance.
- Complete a Notification of Ineligibility on the form included at the end of this chapter. Give or mail a copy to the applicant.
- File the forms for ineligible applicants in an Ineligible file. File the forms for participants who are not recertified in their individual files.

### **Mid-Certification Termination**

#### **Mid-Certification Termination**

A WIC participant may be terminated during a certification period when the participant no longer meets eligibility requirements. Program benefits may

be continued until the end of the 30 day period in which categorical ineligibility begins. A participant no longer meets eligibility requirements when:

- A child reaches his/her fifth birthday.
- A woman is over six months postpartum and not breastfeeding.
- A breastfeeding woman is over six months postpartum and has discontinued breastfeeding.
- A woman has breastfed an infant to one year of age.
- A participant has a change in income status and is over the income criteria.
- A participant fails to keep two or more consecutive WIC appointments to receive WIC warrants and does not notify the clinic in advance. **This directive is at the discretion of the Local Agency and is not a state mandated requirement.**
- A participant commits verified and documented program abuse. Participant abuse includes, but is not limited to, intentionally making false or misleading statements or intentionally misrepresenting, concealing or withholding facts to obtain benefits; sale or exchange of supplemental foods or food warrants with other individuals or entities; receipt from food vendors of cash or credit toward the purchase of unauthorized food or other items of value in lieu of authorized supplemental foods; and physical abuse, or threat of physical abuse, of clinic or vendor staff.
- The state agency experiences food funding shortages, and there are no alternatives. If possible, benefits will be withheld with the expectation of providing benefits again when funds are available. If more drastic action is warranted, then participants whose health and nutritional status would be least impaired will be disqualified first.

**Notice of  
Termination  
or  
Ineligibility**

**Notification of Termination/Ineligibility**

A participant found ineligible for the program at any time during or at the end of a certification period must be advised in writing 15 days before termination of eligibility, of the reasons for ineligibility, and of the right to a fair hearing. Notification should be given on the "NOTICE THAT YOUR WIC BENEFITS HAVE ENDED" form found at the end of this chapter.

**Not Picking  
up Warrants  
or Returning  
Receipts**

**Termination for Failure to Pick Up Warrants or to Return Mailed Warrant or Food Box Receipts**

Participants who fail to pick up food warrants for two consecutive warrant issuance intervals may be terminated from the program. For example, if a participant is issued warrants at monthly intervals and fails to pick up warrants for two consecutive months, she may be terminated. If the issue interval is two months or three months, then failure to pick up warrants for two consecutive two month or three month intervals may result in termination. Similarly, participants who fail to acknowledge the receipt of mailed food warrants or boxes by mailing signed receipts to their local

agency for two consecutive pick-up periods may be terminated from the program.

Advising the participant of the consequences of failure to pick up food warrants or return signed receipts, and advising them of their appeal rights at the time of certification, fulfills the notification of termination requirement. An additional written notification does not have to be sent to the terminated participant, although this may be done at the discretion of the local agency.

### **Funding Shortages**

#### **Termination Due to Funding Shortages**

When benefits are discontinued due to funding shortages, new participants will not be enrolled during that period. Advance notice of the affected categories of participants will be provided by the state agency if benefits are to be discontinued mid-certification due to fund shortages. Local agencies must notify these individuals about this action as well as about their right to a fair hearing. The notification must be in writing and received by the participant not less than 15 days before the termination of certification.

### **VOCs**

#### **Transfer of Certification**

Local agencies will issue a Transfer of Certification Letter -Verification of Certification (VOC) document from the AKWIC computer system to any WIC participant who will likely be relocating during a certification period. To ensure the continuous service to these individuals, local agencies will automatically issue a VOC to special populations, migrants and the homeless when they are certified.

WIC staff must fill in the Last checks Issued Dates and the Nutritional Risks on the VOC out completely, to ensure that there are no delays in processing the participant at the receiving local agency. Nutritional risk conditions must be specified by name on the VOC, instead of using codes.

### **Accepting VOCs**

Receiving local agencies must accept valid VOC documentation from individuals participating in the WIC Program under another local agency within or outside of the jurisdiction of Alaska, regardless of whether or not the person meets Alaska's eligibility criteria. A VOC is not required when transferring from another agency within the state of Alaska, as participants can be transferred through the AKWIC computer system.

The VOC is valid until the certification period on the document expires. The VOC must be accepted as proof of nutritional risk and income eligibility for WIC Program benefits. However, identity and residency must still be documented. The participant should be asked if they still have any unredeemed food instruments from their former agency in their possession. If they do, the participant should turn them in to the new agency. They should be mailed to the former agency by the new agency.

Even incomplete VOCs must be accepted, as long as they have the three pieces of information specified in WIC federal policy--the participant's name, the date that the participant was certified, and the date that the current certification expires. Federal regulations require that VOC documents contain the date of the income determination. Even if the date of income determination is not present on the VOC of a transfer, the receiving local agency must accept the VOC as proof of program eligibility as long as the person's name and dates of certification are present, and the certification period has not expired. If the VOC lacks a date for income eligibility determination, the receiving local agency is not obligated to perform an income determination until the VOC expires and the transferee makes application for recertification.

If the VOC is valid, the issuance of warrants should not be delayed. Participants holding VOC documents have already been certified for WIC and have a right to complete their certification periods (as funding permits). The transferring participant must be placed on any waiting list ahead of all other applicants in their priority group.

**Contacting  
Other  
WIC  
Agencies**

To expedite the reentry of a participant another local agency within or outside of the jurisdiction of Alaska, it may be necessary for the new local agency to contact the old agency for information missing from the VOC or other additional information. The old local agency must cooperate by providing the information requested in an expeditious manner. If the VOC is incomplete and the local agency is unable to get the information needed, staff should treat the transferring participant as a new applicant, perform a complete assessment themselves, and enroll the individual if she is found eligible.

When an individual applying for benefits tells a local agency that she and/or her child are currently certified at another local agency in the State of Alaska, the individual must be asked to fill out a WIC Family Information form and sign it, indicating that she gives permission to transfer medical information. This allows the agency to obtain a copy of the participant's file from the other local agency through the statewide WIC computer system. The other local agency may request a copy of the signed form if required by the agency's legal counsel.

**Waiting  
Lists**

**Waiting Lists**

If the state agency experiences food funding shortages, it will notify local agencies that waiting lists of persons applying for services must be kept. In no case can an applicant who requests placement on a waiting list be denied inclusion. Individuals may visit the local agency or make a telephone request for placement on the waiting list. Applicants for recertification screening should be placed on the same waiting list as new applicants (i.e., recertifications do not take priority over new applicants). Persons placed on a

waiting list should receive notification of their placement on the waiting list within 20 days of the time that she/he applies for services.

The person's name, address, phone (or message phone), status (pregnant, breastfeeding, age) and application date should be recorded on the appropriate waiting list which establishes the order in which clients will be contacted. Clients will be contacted from the list in the following order:

- Persons transferring from another WIC clinic who are still within a certification period. When an opening occurs, transferring participants must be served ahead of all other applicants on the waiting list for their priority group, regardless of their priority. If the certification period has expired, they are to be treated as all other applicants for certification.
- Infants and pregnant and breastfeeding women with known nutritional risk which would qualify them as Priority I applicants.
- Infants, birth to 6 months, classified as Priority II because they were born to WIC mothers or women with known high-risks conditions.
- Children with known medical risks which qualified them as Priority III. The state agency may develop subpriorities for Priority III children if necessary.
- All infants and pregnant and breastfeeding women other than those with Priority I or II risks.
- High risk postpartum women qualified as Priority III.
- All children other than those with Priority III risks.
- Postpartum women other than those with Priority III risks.

It may be necessary for the state agency to establish subcategories within priorities during serious caseload reductions when waiting lists are extensive and only a few new clients are being accepted.

All applicants placed on a waiting list are to be provided with information on other food assistance programs.

### **Dual Participation**

Each program participant, parent or caretaker must be informed of the illegality of dual participation.

### **Dual Participation**

Federal regulations make both the local agencies and the state agency responsible for the prevention and detection of dual participation within each local agency and between local agencies. The state agency reviews dual participation reports from the AKWIC computer system quarterly to identify possible dual participants, and works with involved local agencies to investigate. Follow-up of suspected dual participation is done within 120 days.

**Dual  
Participation  
Penalties**

Local agencies will be notified of possible dual participation detected by the state agency through the semi-annual dual participation report. Each local agency must work with the other clinic or agency to investigate the report. Local agencies must report the results of their investigation to the state agency.

A participant found in violation due to dual participation will be immediately removed from one of the agencies or clinics. Where deliberate misrepresentation is involved, and it has been verified and documented, the state agency must be notified. The participant will be terminated from both programs for one year, and may be prosecuted under law, and have to pay back benefits received, if it is verified that the participant has intentionally lied or withheld the truth.

Mandatory one year disqualification from the program will not be applied if the participant pays back benefits in full or a repayment schedule is agreed on, or in the case of a participant who is an infant, child, or a woman under age 18 with an approved designated proxy.

**Social  
Security  
Numbers**

**Social Security Numbers**

It is essential to obtain social security numbers on application forms for all applicants. Pregnant, postpartum and breastfeeding women should put their social security numbers on the “Family Information” form they fill out as part of their application. Social security numbers for infants and children should be put on their individual application forms by a parent or guardian. Social security numbers should be entered in the computer file of each participant. They play an important role in the detection of dual participation.

Separate social security numbers should be obtained for each applicant. An applicant cannot use their spouse’s social security number, and a parent’s social security number cannot be used for a child. If the applicant does not have a social security number, the field for the number should be left blank. Most children in Alaska have social security numbers, because they are necessary for obtaining a Permanent Fund Dividend.

Local agency staff should screen applications for obviously inaccurate social security numbers. For example, a social security number of 123-45-6789 or 111-11-1111 is unacceptable.

**Rights  
And  
Responsibilities**

**Participant Rights and Responsibilities**

At every certification and recertification each program participant, parent or caretaker must read, or have read to him or her, the statements in the “My WIC Rights and Responsibilities: section of the WIC Family Information form. They must then sign the form. It should be kept in the paper file.



If an applicant or participant needs the information in a language other than English, reasonable steps must be taken by the local agency to provide the information verbally or in writing in an appropriate language.

### **Fair Hearings**

#### **Fair Hearing Procedures**

Fair Hearings are a means for individuals to appeal a state or local agency decision which results in denial of participation or disqualification from the program, or a claim against the individual for cash value of improperly obtained benefits.

### **Appeal Rights**

#### **Notification of Appeal Rights**

At the time an application for certification to the WIC Program is denied, the applicant or participant must be notified of the right to a fair hearing. The notice must be given in writing via the Notification of Termination/Ineligibility, and, if necessary, verbally, in order to assure that these rights are fully understood. A copy of the form must be placed in the local agency ineligible file or the participant's file.

If a claim is made against an individual for cash value of improperly obtained benefits, the applicant must be informed of the claim in writing, and must be notified in writing of the right to a fair hearing.

Provision must be made to insure that non-English speaking recipients gain full understanding of their rights.

### **Request For Hearing**

#### **Request for Hearing**

A request for a hearing is defined as any clear expression to the local or state agency by the individual, the individual's parent, caretaker, or other representative, that he or she desires an opportunity to present his or her case to a higher authority.

#### **Time Limit for Request**

The individuals listed above must make a request for a fair hearing within 60 days from the date on the Notification of Termination/Ineligibility form or the letter. An individual may make an application for a fair hearing verbally. The local agency must immediately transmit the request in writing to the state agency Civil Rights Coordinator. A participant must request a fair hearing within the 15-day advance adverse action notification period in order to continue receiving benefits pending the outcome of the hearing or expiration of the certification period, whichever comes first. This time frame does not apply to applicants denied benefits at initial certification, participants whose certification periods have expired, or participants who become categorically ineligible for benefits. Applicants who are denied benefits at initial certification, participants whose certification periods have expired, or participants who become categorically ineligible during the

certification period may appeal the denial or termination within the 60 days, but must not receive benefits while awaiting the hearing or its results..

#### Denial or Dismissal of a Hearing Request

The only circumstances in which the state agency must deny or dismiss a hearing request are:

- The request is not received within 60 days from the date on the Notification of Termination/Ineligibility form, or the date of the letter informing an individual of a claim for cash value of improperly obtained benefits.
- The request is withdrawn in writing by the appellant or a representative of the appellant.
- The appellant or representative fails, without good cause, to appear at the scheduled hearing.
- The appellant has been denied participation by a previous hearing and cannot provide evidence that circumstances relevant to program eligibility have changed in such a way to justify a hearing.

#### **Continuation of Benefits**

##### Continuation of Benefits

Except for participants whose certification period has expired, participants who appeal the termination of benefits within the 60 days advance notice period must continue to receive program benefits until the hearing official reaches a decision or the certification period expires, whichever occurs first. Participants who become categorically ineligible while awaiting a hearing decision should not continue to receive program benefits. Applicants who are denied benefits at initial certification or because of the expiration of their certification may appeal the denial, but will not receive benefits while awaiting the hearing.

#### **Hearing Official**

##### Hearing Official

Hearings must be conducted by an impartial official, such as the Director of the Division of Public Health or his/her designee, who does not have any personal stake or involvement in the decision and who was not directly involved in the initial determination of the action being contested.

#### **Conduct of Hearing**

##### Conduct of the Hearing

The state agency must ensure that the hearing is accessible to the appellant and is held within 30 days from the date the state or local agency received the request for a hearing. The state agency must provide the appellant with a minimum of 10 days advance written notice of the time and place of the hearing and must enclose an explanation of the hearing procedure with the notice. Hearings may be conducted by telephone. The state agency must also provide the appellant or his or her representative an opportunity to:

- Examine, prior to and during the hearing, the documents and records presented to support the decision under appeal;
- Be assisted or represented by an attorney or other persons;

- Bring witnesses;
- Advance arguments without undue interference;
- Question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses; and
- Submit evidence to establish all pertinent facts and circumstances in the case.

If the Hearing Official determines that an independent medical assessment or professional evaluation is relevant and necessary he, or she, may order, and the program will pay for, an evaluation from a source mutually satisfactory to the appellant and the state agency.

The Hearing Official is responsible for:

- Ensuring that all relevant issues are considered;
- Requesting, receiving and making part of the hearing record all evidence determined necessary to decide the issues being raised;
- Regulating the conduct and course of the hearing consistent with due process to ensure an orderly hearing; and
- Rendering a hearing decision which resolves the dispute within 45 days of the receipt of the request for the hearing.

The hearing will be conducted by the Hearing Official in an informal atmosphere. While the basic rules of order pertaining to such proceedings will be followed, that claimants may not be familiar with the rules of order. The Alaska WIC Program will make these fair hearing procedures available for public inspection and copying upon written or verbal request. Thus every effort must be made to arrive at the facts of the case in a way that makes the claimant feel most at ease.

## Hearing Decisions

The Hearing Official must make a decision based upon the application of appropriate Federal law, regulations and policy as related to the facts of the case as established in the hearing record. The verbatim transcript or recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding, constitute the exclusive record for a final decision by the Hearing Official. The state agency will retain the hearing record and make these records available, for copying and inspection, to the appellant or representative at any reasonable time upon written or verbal request.

The decision must include a statement of the issue being appealed, findings of fact (including supporting evidence and pertinent regulations or policy) and a final decision. The decision will become a part of the record.

Within 45 days of the receipt of the request for the hearing, the state agency must notify the appellant or representative in writing of the decision and the reasons for the decision. If the decision is in favor of the appellant and benefits were denied or discontinued, benefits must begin immediately. If the decision is in favor of the agency, as soon as administratively feasible, the

local agency must terminate any continued benefits, as decided by the hearing official.

### **Judicial Review**

The state and local agencies must make all hearing records and decisions available for public inspection and copying; however, the names and addresses of participants and other members of the public must be kept confidential.

If the appellant expresses an interest in pursuing a higher review of the decision, the state agency must explain the right to pursue judicial review of the decision.

## **PARTICIPANT NONCOMPLIANCE AND ABUSE**

### **Preventing Noncompliance and Abuse**

#### **Preventing Participant Noncompliance and Abuse**

At the time of certification, local agency staff must inform WIC participants or parents/guardians of the following:

- rights and responsibilities;
- appropriate use of WIC foods and WIC warrants;
- actions which constitute noncompliance/abuse;
- consequences of noncompliance and abuse.

Participants should be encouraged to ask questions. Reasonable steps should be taken to provide the information in a language other than English when necessary. Local agency staff are encouraged to convey the message that quality WIC services depend on a partnership between the participant, vendor, and WIC staff.

#### **Procedures in Cases of Participant Noncompliance and Abuse**

The local agency coordinator or designated staff must assess information and circumstances relating to participant noncompliance or abuse on a case-by-case basis.

The role of local agency staff is to meet with the participant or parent/guardian and find out what took place. Staff should provide the agency's view as to whether the report of violation has merit, and the reasons the report was made. The participant's viewpoint must be documented in writing in the participant's file, using the Alaska WIC Program Improper Action Report form included at the end of this chapter. A copy must be given to the participant.

### **Procedures: Noncompliance**

#### A. Noncompliance

Noncompliance is defined as failure on the part of the participant or parent/guardian to follow program rules. Intent and knowledge on the part of the participant may or may not be present. Examples of noncompliance are as follows:

- Participant gives inaccurate income information on application. Participant does not understand all types of income to report. After corrections, participant still qualifies for benefits.
- Participant attempts to buy unauthorized foods, or excess amounts of foods, as a result of lack of information or understanding, such as having trouble adding up ounces and total amount exceeds amount allowed.
- Participant gives WIC foods to a neighbor so they “will not go to waste”. Participant is not aware she does not have to buy every item in the amounts listed on the WIC warrant.
- Participant presigns her warrants and then presents them to a vendor.
- Participant asks an unauthorized person to cash WIC warrants on her behalf.

#### Actions to be Taken in Cases of Noncompliance

First incident: Provide thorough education about rules and procedures, review rights and responsibilities, and document the incident in the participant’s file on the Alaska WIC Program Improper Action Report. Have it signed by the participant, or the parent/guardian, and give them a copy. Verify that there is a signed rights and responsibilities statement in the participant’s file.

Multiple incidents: Issue a verbal or written warning. Document it in the participant’s file. If it is determined that the participant acted with intent and knowledge, that actions were persistent and/or coercive, and/or that actions involved improper receipt or misuse of benefits, the local agency may impose an appropriate sanction.

<p><b>Procedures: Dual Participation</b></p>
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#### B. Dual Participation

Dual participation is defined as having a participant enrolled at multiple sites at the same time.

#### Actions to be Taken in Cases of Dual Participation

First incident: An example of an initial incident of dual participation is when a participant enrolls at a second local agency without notifying the first agency. Warrants from one local agency was received and cashed. Participation must be immediately terminated from the previous Local Agency where the participant is enrolled. Also, participants should be provided with a thorough education about rules and procedures, rights and responsibilities. Document the incident in the participant’s file on the Alaska WIC Program Improper Action Report form. Have it signed by the participant, or the parent/guardian, and give them a copy. Verify that there is a signed rights and responsibilities statement in the participant’s file.

Multiple incidents: Participants intentionally participating in multiple sites shall receive a mandatory one year disqualification and repayment of benefits will be required. The mandatory disqualification may not be imposed if, (1) full restitution is made or a repayment schedule is agreed upon, or, (2) in the case of a participant who is an infant, child, or under age 18, local agency approves the designation of a proxy. A participant may reapply before the end of a mandatory disqualification period if full restitution has been made or a repayment schedule agreed upon or, in the case of a participant who is an infant, child, or under age 18, local agency approves the designation of a proxy.

<p><b>Procedures: Abuse</b></p>
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C. Abuse

Abuse is defined as violations of WIC program rules or regulations knowingly and with intent, carried out by the participant or parent/guardian of a participant, which result in improper receipt or misuse of benefits, or actions taken which threaten or cause harm. Examples of abuse are as follows:

- Making false or misleading statements or intentionally misrepresenting, concealing, or withholding facts to obtain benefits.
- Exchanging WIC warrants, **CVVs**, or WIC foods for cash, credit, non-food items, or unauthorized food items, including supplemental foods in excess of those listed on the participant's food instrument.
- Threatening to harm or physically harming clinic, vendor staff, or **farmer**.
- Using a facsimile or photocopy of a WIC warrant to obtain additional supplemental foods.
- Using a stolen WIC warrant.
- Altering a WIC warrant or using an altered WIC warrant.
- Giving a WIC warrant to a person other than a WIC participant for whom the warrant was issued.
- Giving foods that were purchased with a WIC warrant or mailed WIC foods to a person other than a WIC participant for whom the WIC warrant was issued.
- Cooperating with another person in doing an act described in this section.
- Repeated violations of WIC program regulations.

Actions to be Taken in Cases of Abuse

First incident: Issue written administrative warning that more sanctions will be imposed if the violation continues or there are other violations.

Provide thorough education about rules and procedures, review rights

and responsibilities, and document the incident in the participant's file. Verify that there is a signed rights and responsibilities statement in the participant's file. Complete an Improper Action Report form and have it signed by the participant or parent/guardian. Give a copy to the participant, send a copy to the state agency Civil Rights Coordinator, and retain the original in the participant's file.

Multiple incidents: If a person repeatedly violated program rules and knowingly commits one or more of the program abuses listed above, the local agency will impose one or more of the following sanctions in progressive order of severity:

- Require the violator to bring in the sales slip for the WIC foods purchased in the previous month at each subsequent appointment.
- If the violator is a person who has applied for WIC benefits on behalf of another, or is acting as a WIC alternate, disqualify the violator from acting as a representative for the WIC participant.
- If the violator is a participant under 18 years of age rather than an alternate for a WIC participant, require the violator to receive and use WIC warrants through a responsible proxy.
- Require the violator to work at the WIC clinic, as a volunteer for a designated amount of time that is appropriate to the improperly obtained benefits.
- Ask the violator for repayment of the cash value of the improperly obtained benefits.
- Disqualify the violator from participating in the WIC program for one year if the participant is assessed a claim of  $\geq \$100$  or assessed a second or subsequent claim of any amount.

### **Repayment of Benefits**

If participant abuse has occurred with over issued WIC benefits, the local agency should document this on the Alaska WIC Program Improper Action Report form. A copy should be given to the participant and a copy should be placed in the participant's file.

When the violator is asked for repayment of the cash value of improperly obtained benefits, the state agency must advise the person in writing of the reason(s) for the claim against him/her, the value of the improperly issued benefit which must be repaid and the right to a fair hearing. Any repayment of food benefits from a participant must be sent to the state office, in the form of a check written by the participant. Reduction of future benefits by an amount equal to the dollar value of the improperly obtained benefits is not permissible.

### **Falsely Reporting Lost or Stolen Warrants**

#### **False Reports of Lost or Stolen Warrants**

Warrants, lost after receipt, will no longer be replaced by the Alaska WIC Program starting November 2007. Lost warrants should be voided in the AKWIC system.

When mailed warrants have been lost through the mail service, WIC clinics may reissue these. If the client calls to report this problem, lost warrants must be voided and reissued after seven (7) days from the mailing date. If the original set of warrants show up in the client's mail, these warrants should be returned to the WIC office to be shredded. Clients should not use this set of warrants which have already been voided in the AKWIC System.

If a participant reports that warrants originally issued were stolen, the local agency may provide the participant with replacement warrants once a police report is brought into the clinic.

Local agencies may replace warrants which a participant reports as lost through the mail or stolen. This policy is discussed in detail in Chapter 4. Following is the procedure for Lost or Stolen warrants that have been wrongfully redeemed.

- The state agency will check warrant redemptions to see if the lost or stolen warrants have been redeemed. A monthly Redeemed Void Warrants report will be provided by the state agency to local agencies.
- The local agency must review the redeemed void warrant report and determine if participant abuse has occurred. Local agency actions may include the following:
  - If warrants are improperly documented as “void/lost/stolen” in the AK computer system, Local Agency must correctly document which warrants should be voided or unvoided.
  - If the warrants originally reported by the participant as lost or stolen have been redeemed, but none of the replacement warrants have been redeemed, the local agency should inform the participant of this and ask the participant to return the second set of warrants. These warrants should be voided.
  - If some or all of both sets of warrants have been redeemed, the local agency should document this on the Alaska WIC Program Improper Action Report form. A copy should be given to the participant and a copy should be placed in the participant's file.
  - A claim for the amount of the improperly redeemed FIs is established against the participant. The State Agency will be responsible for sending the participant a letter through certified mail requesting repayment. The letter will contain the reported Program violation, the amount due for repayment, the term of the repayment schedule, and the monthly amount due.
  - The first payment shall be due thirty days from the receipt date of the written notice to the participant. The State of Alaska will ensure that full restitution is made or a repayment



schedule is agreed on with the client within 30 days of receipt of the letter.

- The State of Alaska will continue to pursue collection until restitution is made or a repayment schedule is agreed on.
- If the participant repeats the offense, repayment of extra benefits shall be required.
- If the participant is assessed a claim of  $\geq$  \$200 or assessed a second or subsequent claim of any amount, the violator is disqualified from participating in the WIC program for one year.
- If the participant's certification period is over, the participant should be asked in writing to pay back the amount of the improperly obtained benefits. Any payments received by the local agency must be submitted to the state agency.
- Participants have the right to a Fair Hearing if they feel they have been treated unfairly.
- Actions taken by the local agency must be described on the Redeemed Void Warrants report. A copy of this report must be submitted to the state agency by the end of the following month, with copies of the Improper Action Report and Lost or Stolen Warrant Report form signed by the participant, if applicable.

### **Determination of Appropriate Sanctions**

#### **Determination of Appropriate Sanctions**

Participants are sanctioned a mandatory one year disqualification for violations resulting in claim of  $\geq$  \$100 and for any second or subsequent violations unless a repayment is made or a proxy is allowed for participants under the age of 18. In applying other sanctions, the local agency must determine the severity of the violation. The local agency should consider the factors listed below in the progressive order of seriousness:

- The dollar value of WIC foods or WIC warrants that were improperly obtained as a result if the violation was less than \$100.
- The violator acted intentionally.
- The dollar value of WIC foods or WIC warrants improperly obtained as a result if the violation was greater than \$100.
- The violator had previously violated program regulations, or had violated the laws or regulations governing another program of the department for which eligibility is based in whole or in part on need.
- The violation was a part of a scheme to defraud the department or a local agency, and involved collusion with a WIC vendor.

### **Appeal of Sanctions**

A participant may appeal the imposition of sanctions against the participant or against a person that was acting on the participant's behalf through the fair hearing procedure.

Sanctions must not be applied if the local agency knows of the violation only through an anonymous complaint, unless the information is verifiable. For

example, a local agency could verify a second source of income if the name of the employer is known; sanctions could then be applied if the second income was not reported on the participant's written application form.

### **Notifying Police**

#### **Notification of Police**

Nothing in this section should be construed to limit or restrict the duty of a local agency or other person to report a criminal violation to the proper law enforcement authorities. If food warrants are redeemed by an individual who is not a WIC participant or alternate, the police department must be notified.

### **Notifying the State Agency**

#### **Notification of State Agency**

The State agency should be notified in instances of participant and employee fraud and abuse. The State agency staff will collect and maintain a log of information regarding cases of participant and employee fraud and abuse. Information that should be relayed to the State is the type of fraud or abuse (employee/participant), Local Agency name, Name of Offender, nature of the detected fraud/abuse and the associated dollar loss.

## **CIVIL RIGHTS**

### **Protecting Participant's Civil Rights**

Local agencies are required to protect participants' civil rights. They must:

### **Protecting Civil Rights**

- Ensure that participation in the program is free from any exclusion based on race, color, national origin, age, sex or disability.
- Provide WIC services without any difference in quality, quantity, or manner in which WIC benefits are provided.
- Issue WIC warrants in a place, time, or manner that does not result in, or does not have the effect of denying or limiting the benefits on the basis of race, color, national origin, sex, age, or disability.
- Provide WIC services without segregating persons in clinic waiting rooms or through appointment systems.
- Apply the same eligibility criteria to all potentially eligible clients applying for the program.
- Maintain a waiting list that makes no distinctions on the basis of race, color, national origin, sex, age, or disability.

### **Public Notification**

**Public  
Notification**

The state agency takes positive and specific actions to assist local agencies to implement a public notification program which encourages participation and informs all potential participants, particularly minorities, of the availability of the program. The public notification system must include advising applicants and participants of the protection against discrimination, and provide the procedure for filing a complaint.

**Local Agency Requirements**

Local agencies are required to:

**Local Agency  
Requirements**

- Develop and implement outreach activities that inform minorities or those with disabilities of the WIC program and WIC services.
- Display the nondiscrimination poster, "And Justice For All," in prominent places, such as clinic waiting rooms and other facilities frequented by participants.
- Ensure that all applicants or parents/guardians of child applicants read and sign the "My WIC Rights and Responsibilities" section of the WIC Family Information application form, in order to advise potential participants that the WIC program is operated in a nondiscriminatory manner.
- Advise participants verbally and in writing to file complaints of discrimination with the USDA, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington D.C. 20250-9410, or call toll-free (866) 632-9992 (voice). Individuals who are hearing-impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.
- Ensure disabled applicants and participants access to WIC services.
- Make provisions, if needed, for translators for participants who do not speak English. Provide non English materials as appropriate.
- Inform eligible or potentially eligible persons of clinic location, hours of service, and ages served.
- Make program regulations and guidelines available to the public on request.
- Upon request, provide participants, and potential participants, access to Civil Rights materials. Materials must include the procedures for filing complaints, program specifics, and rights of participants and applicants.
- Use the Nondiscrimination Statement below, and use it, in full, on any public notification information your clinic sends out for the purpose of public information, public education, or public distribution.

**Nondiscrimination  
Statement  
Required**

**“In accordance with Federal law and U.S. Department of Agriculture (USDA) policy, the WIC Program is prohibited from discriminating on the basis of race, color, national origin, sex, age or disability.**

**To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call toll-free (866) 632-9992 (Voice). Individuals who are hearing-impaired or have disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.”**

**Spanish:**

**De acuerdo con la ley federal y las políticas del Departamento de Agricultura de los EE.UU. (USDA, sigla en inglés), se le prohíbe a esta institución que discrimine por razón de raza, color, origen, sexo, edad, or discapacidad.**

**Para presentar una queja sobre discriminación, escriba a USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, DC. 20250-9410, o llame gratis al (866) 632-9992 (voz). Personas con discapacidad auditiva o del habla pueden contactar con USDA por medio del Servicio Federal de Relevos (Federal Relay Service).**

**All information materials and sources, including Web sites, used by FNS, State agencies, local agencies, or other subrecipients to inform the public about FNS programs must contain a nondiscrimination statement. The statement is not required to be included on every page of the program Web site. At a minimum the nondiscrimination statement or a link to it must be included on the home page of the program information.**

**If the material is too small to permit the full statement to be included, the material will at the minimum include the statement, in print no smaller than the text that states: “This institution is an equal opportunity provider.”**

**The Department of Health and Social Services is requiring WIC to add “religion” to the covered bases. If a complaint is received by WIC that alleges discrimination on the basis of religion, the Department will handle the complaint, not the USDA Office of Civil Rights.**

- Convey the message of equal opportunity by displaying photographs, posters, etc. of clients from different races and national origins.
- Provide outreach materials to organizations that provide services to minorities or those with disabilities.

### **Other Languages**

If a significant number or proportion of the population eligible to be served needs service or information in a language other than English in order to be effectively informed of, or to participate in, the program, then the local agency should take reasonable steps, considering the size and concentration of such population, to provide information in appropriate languages to such persons. The local agency must also ensure that all rights and responsibilities listed on the certification form are read to these applicants in the appropriate language.

### **Civil Rights Training**

#### **Training**

New state and local agency staff must be briefed on civil rights rules during orientation. The state agency Civil Rights Coordinator provides civil rights training and updates to local agency coordinators, and provides training materials on civil rights to local agencies.

#### **Annual Civil Rights In-service**

The local agency WIC Coordinator must provide a Civil Rights in-service class to all local agency WIC staff once a year. During this training session the WIC coordinator must review civil rights materials found in the Alaska WIC Policy and Procedure Manual, including:

- Protecting client's civil rights.
- Public notification.
- Discrimination complaint procedures.
- Racial-ethnic reporting.

The local agency WIC Coordinator must document in a WIC Clinic in-service file:

- Names of staff in attendance.
- Brief summary of information provided.

### **Disability Accommodation**

#### **Accommodation for the Disabled**

Local agencies are required to provide reasonable accommodation for the disabled in accordance with the Americans with Disabilities Act.

#### **Data Collection and Reporting**

Local agencies are required to collect and report participation in the WIC Program by race and ethnicity. The purpose of this requirement is to ensure

### **Collecting and Reporting Data**

that those who are eligible to receive program benefits, minorities in particular, get what they are entitled to receive.

Local agencies must report actual participation data by racial/ethnic category for each clinic, by recording this information in the WIC computer system. Self-declaration is used to determine a participant's racial/ethnic category. Participants must not be required to declare a racial/ethnic category as a condition of program participation. If questioned, local agency staff must explain to applicants and participants that the collection of racial/ethnic identity information is strictly for statistical requirements only and has no effect on the determination of their eligibility to participate in the WIC Program.

### **Self Identification**

If a participant or participant's parent or guardian declines to provide this information, FNS 113-1, Section XII states that "visual identification shall be used to determine a participant's racial/ethnic category". It also states that participants may be asked to self-identify their racial group but only if it has been explained, and they understand, that the collection of this information is strictly for statistical reporting purposes only and has no effect on determination of eligibility. If the WIC applicant chooses not to self-identify, WIC staff must visually identify to determine the participant's racial ethnic category. WIC staff must include the participant in the group to which he/she appears to belong or identifies with. When a participant resides in a remote area and does not provide information on racial/ethnic category, the WIC staff must include the participant in the group to which he/she appears to belong or identifies with, if the WIC staff knows the racial ethnic category. WIC staff may contact a client to obtain this information via phone or may contact the person that facilitated the application process for the client to obtain this information.

Racial/ethnic data and records must be accessible only by authorized personnel.

### **Definitions of Racial/Ethnic Categories**

#### **Ethnicity:**

1. Hispanic/Latino - a person of, Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term, "Spanish origin," can be used in addition to "Hispanic or Latino." (A person could be Black but still be identified as Hispanic, because of Hispanic culture or origin.)
2. Not Hispanic or Latino

#### **Race:**

**Definitions  
of Race and  
Ethnicity**

1. American Indian or Alaskan Native. A person having origins in any of the original peoples of North America and South America (including Central America), and who maintains tribal affiliation or community attachment.
2. Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.
3. Black or African American. A person having origins in any of the black racial groups of Africa. Terms such as “Haitian” or “Negro” can be used in addition to “Black or African American.”
4. Native Hawaiian or Other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
5. White. A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

**Discrimination  
Complaint  
Procedure**

**Discrimination Complaint Procedure**

Local agency staff must accept all discrimination complaints. Staff must determine if the complaint should be classified as discrimination (i.e., based on race, color, national origin, age, sex, or disability), or a complaint which shall be handled through the Fair Hearing procedure. Local agency staff must not determine if a complaint is valid, instead they must make sure that the complaint is handled according to the following procedures.

Complaints may be presented orally or in writing. Participants may file discrimination complaints either with the Secretary of Agriculture, or the Director, Office of Equal Opportunity, USDA, Washington, DC 20250 or with the Office established by State Agency to handle grievance or complaints. All complaints received by the State or Local agency which allege discrimination based on race, color, national origin, or age shall be referred to the Secretary of Agriculture or Director or the Director, Office of Equal Opportunity, Washington, DC 20250 or with the Office established by the State to handle discrimination grievances or complaints.

The State Office can process complaints which alleged discrimination based on sex or handicap if grievance procedures are in place.

Local agencies must immediately notify the state agency of any civil rights complaint by a participant. The state agency Civil Rights Coordinator will

**Local  
Agency  
Procedures**

investigate the complaint, and notify the Secretary of Agriculture of the complaint.

Local agency staff must:

- Accept all written or verbal discrimination complaints. If a participant verbalizes but does not submit their complaint in writing, the WIC staff receiving the call shall write up the elements of the complaint by attempting to obtain as much of the following information:
  - A. Name, address, and telephone number of the complainant or other means of contacting the complainant;
  - B. The specific location where the alleged discrimination occurred and name of the entity delivering the service or benefit;
  - C. The nature of the incident or action that led the complainant to feel discrimination was a factor or an example of the method of administration that is alleged to have a discriminatory effect on the public or potential and actual participants;
  - D. The basis on which the complainant feels discrimination exists (race, color, national origin, age, sex, or disability);
  - E. The names, titles, and business addresses of persons who may have knowledge of the discriminatory action; and
  - F. The date(s) during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions.

Send the complaint to the state agency on the Civil Rights Complaint form included at the end of this chapter.

- Submit an anonymous complaint if the participant requests it. Inform the complainant that it is helpful to have at least their name and telephone number so that we can apprise them of the resolution of the complaint. In the case of an anonymous complaint, staff submits sufficient information to determine the identity of the WIC local agency and the incident. If discrimination complaints are received with reference to other WIC agencies within or outside of Alaska, the same procedures for writing and submitting the complaint apply.

All complaints alleging discrimination based on race, color, national origin, or age, will be immediately referred to the Secretary of Agriculture, or the Director, Office of Equal Opportunity, USDA, Washington, DC 20250 or the Office established by the State agency to handle discrimination grievances or complaints.

### **Review of Local Agency Compliance**

Local agency compliance with civil rights requirements is reviewed as part of the local agency management evaluation conducted bi-annually. Local

**Compliance  
Reviews**



agency responsibilities in regard to nondiscrimination are included as part of the written agreement between the state and local agency.

Local agencies must describe the racial/ethnic composition of their service area in their annual grant applications.

## **Participant Confidentiality**

### **PARTICIPANT CONFIDENTIALITY**

The treatment of confidential applicant and participant information includes all information about applicants and participants, including information obtained from other sources, as well as information generated as a result of WIC application, certification, or participation. WIC confidentiality protects applicant and participant information, regardless of the original source of that information. Entities involved in the administration and enforcement of the WIC Program that have a need to know the confidential information for WIC Program purposes may have applicant and participant information disclosed. Such persons may include the staff of the Alaska WIC State and local agency staff, State IT staff, the staff of other State agencies and their local agencies, persons under contract with the State agency to conduct research concerning WIC, persons investigating and prosecuting WIC Program violations, auditors of the WIC Program, bank contact staff processing food instruments, the USDA, Department's Office of Inspector General, the Comptroller General and other Government Accountability Office staff.

Local agency sharing of confidential information with its other associated programs is allowed through written agreement. Memorandums of Understanding must be in place that specifies what information is shared and for what purposes.

Local agencies may also use signed release forms from applicants and participants. If signed release forms are used, applicants and participants must be given the right to refuse the sharing of information.

#### **[Security of WIC Information System: Networks, Data and Equipment](#)**

**[Local agencies must follow all State requirements to ensure the security of WIC information system networks, data and computer equipment.](#)**

- Password must be updated every 90 days and must follow sufficient complexity that ensures utmost security.
- Supervisors must ensure that access to WIC data and equipment by employees separating from WIC employment is de-activated within 48 hours of the last day service.
- Local Agency Coordinators must submit username and password request/change for both new and departing staff.

- In case of an unplanned departure of staff, Local Agency Coordinators must call the Help Desk to immediately deactivate the user name account.
- Local Agencies must secure WIC computer equipment and software at all times including during transport and storage; storage facilities must be adequately secured.
- Local Agencies must maintain the inventory of WIC computer equipment using the Property Inventory Report form.

If there is a breach of security such as stolen computer media or equipment with participant data, Local Agencies must immediately contact the LA IT and the State WIC Agency

Provide the following information:

- List of missing equipment
  - Agency name and number
  - Location where/loss theft occurred
  - Date and time loss/theft occurred (actual if know or estimated)
  - Circumstances involved
  - Provide a copy of the police report information if applicable
- Local Agencies should follow any additional or more stringent local agency security policies

If a documented need arises requiring staff use of a WIC equipment such as a laptop and other digital devices containing client data, outside of their work area(s), the WIC local agency Coordinator must approve such “checking out” of the equipment. Such equipment should be “checked back in” at the agreed-upon date. And write documentation kept as part of local agency files.

Computers, portable printers, scanners signature pads should not be left in automobiles overnight. Bring equipment inside to protect them from theft and extreme temperature changes.

### **Other Security Measures**

Enable Screen Savers:

Enable screen savers with passwords on all computers. This protects the confidentiality of participant data and protects the

logged-in user from other staff entering data, making modifications, or printing WIC checks.

#### **Lock Computers:**

A workstation should be locked when not in use or when left unattended. Press Ctrl + Alt + Del and click the Lock Workstation button. The logged in user's password will need to be entered to unlock the computer. The Windows key + 'L' will also lock the computer.

Removable storage devices are subject to the same security requirements as WIC information system: network, data, and equipment. WIC associated CD or DVD material, which contains participant data, should be erased, broken, or shredded before disposal, following State and local agency guidelines.

### **Child Abuse and Neglect Reporting**

#### **Child Abuse and Neglect Reporting**

State and local agency staff is permitted to share information to comply with required reporting of known or suspected child neglect or abuse. WIC staff must report or release applicant/participant information to State or local officials, as required by State law. To report child abuse call 1-800-478-4444.

### **Subpoenas and Search Warrants**

#### **Subpoenas and Search Warrants**

##### **Subpoenas**

Upon receiving a subpoena the Local agency should immediately notify the State agency to consult with legal counsel, determining whether the information requested is in fact confidential and prohibited by being used or disclosed. If the State or Local agency decides that disclosing the confidential information is in the best interest of the Program, inform the court or receiving party that this information is confidential and seek to limit the disclosure by:

- Providing only the specific information requested
- Limiting public access to the information disclosed

##### **Search Warrants**

In responding to a search warrant for confidential information, the Local agency should immediately notify the State agency. Legal counsel should be notified for the State or Local agency. Comply with the search warrant and inform the individual(s) serving the search warrant that the information being sought is confidential and seek to limit the disclosure by:

- Providing only the specific information requested
- Limiting public access to the information disclosed

**ALASKA WIC PROGRAM IMPROPER ACTION REPORT**  
**GIVE COPY TO PARTICIPANT**

Agency: \_\_\_\_\_ Date: \_\_\_\_\_

Participant Name: \_\_\_\_\_ ID #: \_\_\_\_\_

Parent/Guardian Name: \_\_\_\_\_

Local Agency Statement:

\_\_\_\_\_  
Signature of Authorized Local Agency Representative

Participant Voluntary Statement: If you would like to tell your side of what happened, please write it here. (You are not required to write anything.)

\_\_\_\_\_  
Signature of Participant

If you feel you have been treated unfairly, you may ask for a Fair Hearing. WIC staff will tell you about Fair Hearings and help you get one. You must ask for the Fair Hearing within 60 days of the date on this form. The State WIC Director, 130 Seward St., Juneau, AK 99801, telephone 907-465-3100, will also help you apply for a Fair Hearing. At a Fair Hearing you, a friend or a relative can help give your side of the story.

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age or disability. To file a complaint of discrimination, write to USDA, Director, Office of **Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410** or call toll-free **(866) 632-9992 (Voice)**. **Individuals who are hearing-impaired or have disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).** **USDA is an equal opportunity provider and employer.**”Local Agency Determination:

- ☐ Allegation not substantiated
- ☐ Noncompliance and/or abuse

Finding:

- ☐ Purchase of unauthorized items, or more foods than listed on warrants.
- ☐ Dual participation.
- ☐ False or misleading statements or omission of facts to obtain program benefits.
- ☐ Sale or exchange of supplemental foods or warrants.
- ☐ Receipt of cash or credit for warrants from food vendor.
- ☐ Verbal abuse, threats or physical abuse of clinic or vendor staff.
- ☐ Knowingly reporting falsely that warrants were lost or stolen, obtaining replacement warrants, and cashing both sets of warrants.
- ☐ Giving WIC foods to a person other than the participant for whom the foods were prescribed.
- ☐ Other actions leading to improper receipt or misuse of program benefits.

Describe:

Decision:

- ☐ Keep participant on program due to medical/nutritional concerns.
- ☐ Provide additional education regarding rules and procedures.
- ☐ Issue a warning.
- ☐ Participant must bring sales slip for WIC foods purchased to each WIC appointment.
- ☐ Substitute shopper designated for participant. Name: \_\_\_\_\_
- ☐ Participant or parent/guardian must work at WIC clinic as a volunteer to pay for benefits improperly obtained.
- ☐ Benefits will be reduced by \_\_\_\_\_ for benefits improperly obtained.
- ☐ Participant or parent/guardian must pay \$\_\_\_\_\_ to the WIC Program for benefits improperly obtained.
- ☐ Suspend participant from program (Maximum suspension period: 3 months)  
Suspension date: \_\_\_\_\_ Suspension ends: \_\_\_\_\_
- ☐ Disqualify participant from program. Effective date: \_\_\_\_\_
- ☐ Other. Describe:

## YOUR WIC BENEFITS HAVE ENDED

Date: \_\_\_\_\_

**Thank you for participating in the WIC Program. We hope that WIC has helped your family. If this is your first visit into WIC and you do not qualify, thank you for applying.**

\_\_\_\_\_ is not able to receive WIC / or is not eligible starting \_\_\_\_\_ for one of the following reasons:

- ☐ Certification expired on \_\_\_\_\_; WIC Program benefits may still be available.
- ☐ Child is five years old.
- ☐ No longer pregnant.
- ☐ Six months past delivery and not breastfeeding.
- ☐ Stopped “breastfeeding” or 12 months past delivery.
- ☐ Over income.
- ☐ No nutrition risk reason that meets WIC guidelines.
- ☐ Asked to be taken off the WIC Program.
- ☐ Have moved to another service area.
- ☐ Have not received WIC warrants for two consecutive months.
- ☐ Other \_\_\_\_\_

If you feel that this decision is not fair, you may ask for a Fair Hearing by contacting the Civil Rights Coordinator at (907) 465-3100 or in writing to the State of Alaska WIC Program at 130 Seward St., Juneau, AK 99801. You must ask for the Fair Hearing within 60 days from the date of this letter. At the Fair Hearing you, a friend or a relative can help give your side of the story.

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age or disability. To file a complaint of discrimination, write to USDA, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call toll-free (866) 632-9992 (Voice). Individuals who are hearing-impaired or have disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.”

Please continue to take of advantage of other programs in your community that benefit your family. Feel free to contact us if you would like to receive WIC in the future.

Sincerely,  
WIC Staff

**CIVIL RIGHTS COMPLAINT REPORT**  
Alaska WIC Program

1. Complainant Name:

Address:

Telephone #:

2. Local Agency:

3. Date and nature of the incident or action leading to complaint:

4. Basis on which discrimination exists (race, color, national origin, age, sex, or disability):

5. Name, title, and business address of individuals who may have knowledge of the discriminatory action:

6. Date complaint forwarded to State WIC office:

7. Other information:

\_\_\_\_\_  
Signature/title of Person Completing Report

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Person Filing Complaint

\_\_\_\_\_  
Date

Forward original to State WIC Office. Keep a copy for Local Agency files.

Signature of staff person who examined documents

Date documents were examined

**NO PROOF FORM**  
Alaska WIC Program

The Alaska WIC Program requires each applicant to show proof of identification, residence (address), and income. Proof of pregnancy is required for pregnant applicants. Please read the following statement before signing this form:

**I understand that by signing this form, I am certifying that the information I am giving WIC is correct. I understand that intentionally giving false information may result in paying WIC back, in cash, the value of food benefits improperly received and/or being removed from the WIC Program.**

1. This form is for:     ☐Income     ☐Residency     ☐Identity     ☐Pregnancy

2. Reason for No Proof:

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Applicant: \_\_\_\_\_  
Signature Date

Staff: \_\_\_\_\_  
Signature Date



## WIC Alaska Native/American Indian Income Certification

Applicant's Name \_\_\_\_\_

If application is for yourself:

I am a member of the \_\_\_\_\_ tribe

If application is for an infant or child:

This child is a member of the \_\_\_\_\_ tribe

### ALASKA INCOME ELIGIBILITY GUIDELINES

If you are pregnant, add one to Household Size.

(Effective from July 1, 2012 to June 30, 2013)

	<b>Annual</b>	<b>Monthly</b>	<b>Twice-Monthly</b>	<b>Bi-Weekly</b>	<b>Weekly</b>
Household Size					
1	\$25,845	\$2,154	\$1,077	\$995	\$498
2	\$35,002	\$2,917	\$1,459	\$1,347	\$674
3	\$44,160	\$3,680	\$1,840	\$1,699	\$850
4	\$53,317	\$4,444	\$2,222	\$2,051	\$1,026
5	\$62,475	\$5,207	\$2,604	\$2,403	\$1,202
6	\$71,632	\$5,970	\$2,985	\$2,756	\$1,378
7	\$80,790	\$6,733	\$3,367	\$3,108	\$1,554
8	\$89,947	\$7,496	\$3,748	\$3,460	\$1,730
9	\$99,105	\$8,259	\$4,130	\$3,812	\$1,906
10	\$108,262	\$9,022	\$4,511	\$4,164	\$2,082
11	\$117,420	\$9,785	\$4,893	\$4,517	\$2,259
12	\$126,577	\$10,549	\$5,275	\$4,869	\$2,435
13	\$135,735	\$11,312	\$5,656	\$5,221	\$2,611
14	\$144,892	\$12,075	\$6,038	\$5,573	\$2,787
15	\$154,050	\$12,838	\$6,419	\$5,925	\$2,963
16	\$163,207	\$13,601	\$6,801	\$6,278	\$3,139
Each Add'l Member Add	\$9,158	\$764	\$382	\$353	\$177

I certify that the family income does not exceed the maximum income for family size as shown in the table above:

Signed: \_\_\_\_\_ Date \_\_\_\_\_

## **MEMORANDUM OF UNDERSTANDING**

### **FOR RESIDENT WIC PARTICIPANTS**

**Between**

**THE ALASKA WOMEN, INFANTS, AND CHILDREN PROGRAM**

**And**

<b>XXX SHELTER OR HOMELESS FACILITY</b>
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#### **PARTIES TO AGREEMENT:**

This document is to serve as a Memorandum of Understanding (MOU) between the Alaska Women, Infants, and Children (WIC) Program and \_\_\_\_\_ Facility.

#### **Alaska WIC agrees to:**

- Provide information on program availability and eligibility requirements to institutions and shelters for the homeless.
- Provide statistical information on the numbers of WIC clients statewide.
- Renew the MOU annually to ensure continued compliance with the conditions set forth in this MOU.

#### **Facility agrees to:**

- Not accrue financial or in-kind benefit from a person's participation in the Program.
- Foods provided by the WIC Program are not subsumed into a communal food service, but are available exclusively to the WIC participant for whom they were issued.
- The homeless facility places no constraints on the ability of the participant to partake of the supplemental foods and nutrition education available under the Program.
- Inform the State of Alaska WIC Program if it ceases to meet any of these conditions.
- Refer potential participant(s) to the WIC Program.

#### **TERMS OF AGREEMENT:**

The term of this agreement shall be Month, Year to Month, Year.

#### **Signed by:**

Signature \_\_\_\_\_ Date \_\_\_\_\_  
WIC

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Facility Manager